



Information for Parents: Requesting in Term Absence

(Updated February 2019)

The Law

Parents are legally responsible for ensuring their children receive education in accordance with section 7 of the Education Act 1996 and if on a school roll that they regularly attend school. Attendance at or above 95% is deemed regular.

Can the Headteacher authorize a holiday?

The Headteacher is **not required to** authorize school absence solely for the purpose of a family holiday. There may be many reasons for which a family *wish* to plan a holiday in term time, including restrictions at work or financial opportunities. These are not exceptional.

Parent commonly cite the recent Court of Appeal case in the Isle of White, which overturned a Local Authority's issue of a fine. The parent lost the appeal at High Court in June 2017 and was given a conditional discharge and ordered to pay £2000 in fines.

I want to take my child out of school during term time, and I think my reasons are exceptional. Can the school help?

There is a discretionary power held by Headteachers to authorize absence in '*exceptional circumstances*'.

Exceptional circumstances are defined at Ashgate Primary School as "*critical event that cannot be re scheduled out of term time and where absence is unavoidable or at significant detriment to the child*".

Although the DfE do not define 'exceptional', circumstances may include, for example:

1. Service personnel returning from or embarking on a tour of duty, where it is evidenced the individual will not be in receipt of leave in the near future.
2. Where an absence from school is recommended by a health professional as part of a parent or child's rehabilitation from a medical or emotional issue.
3. The death or terminal illness of a close family member, or other significant individual.
4. To attend a wedding or funeral of a family member or other person close to the family.

Please note: **a family holiday is not deemed an exceptional circumstance alone.** We advise that you do not plan for your child to be absent from school without gaining prior agreement from their school first.

How long will I be given under exceptional circumstances?

Exceptional circumstances can only be authorized for the period in which the exceptional circumstance occurs and will not be extended beyond the minimum time required to attend. For example, the attendance at a funeral of a close family member may be authorized for the day of the event and time taken to travel. Any other time, before or after the event, will not be authorized. This includes events 'overseas'.

What else may impact on authorization?

The Headteacher will not authorize absences if they believe it is to the detriment of a child's education or if it may place the child at risk.

I forgot to inform the school that my child would be absent, can it be authorized on return?

The Headteacher will not retrospectively authorize absence from school.

What else do I need to know?

If your request is authorized, you are required to ensure your child catches up on any missed school work.

This is your responsibility and school are not obliged to provide work for your child to complete under such circumstances

What happens if I either take absence without requesting it, or if I do not abide by the judgment of the school?

Any unauthorized absence will be recorded on your child's attendance records, which will be submitted to the Local Authority. This may result in legal proceedings against you, either through a Penalty Notice or the Magistrates' Court.

If your request is declined and you still take your child out of school, each parent will be issued with a £60 penalty notice per child taken out of school. If a penalty notice remains unpaid after 21 days it will increase to £120. If after 28 days it remains unpaid you may be summonsed to appear before Magistrates to explain why your child has unauthorized school absences and you may be liable for a fine of up to £1000.

How do I apply for 'exceptional circumstances absence'?

If you feel you have an exceptional circumstance you must complete an '**Application for In Term - Exceptional Leave of Absence**' form, which will be reviewed by the Headteacher. In addition, you may also be required speak to the Headteacher.

Note: You may be requested to provide evidence to support your application.

The Headteacher's power of discretion

The Department for Education does provide the Headteacher with a 'power of discretion' as to what is deemed extenuating and each case is considered on an individual basis when circumstances do not routinely meet the criteria given.

An in term absence request that does not routinely fulfill the criteria for extenuating circumstances will be considered; however, it will **automatically be denied if any discretionary marker is ticked:**

Discretionary Markers
Attendance is at or less than 95% or was so in the previous academic year.
There have been more than 4 unauthorised absences recorded within the last 12 months.
There is no reasonable case offered to prove the absence is extenuating.
The absence requested is greater than 5 school days.
The request falls within a month of or during a statutory assessment period, including SATs
The request falls during the first 2 weeks of the academic year.

The Headteacher retains the right to deny or grant in term absence should any other non pre identifiable factor come to light.

Where extenuating circumstances are not agreed and absence occurs, the school will record this as unauthorised and issue a **request for a fixed penalty notice**.



Application for In Term - Exceptional Leave of Absence Form

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TO BE COMPLETED BY THE PARENT /GUARDIAN

I wish to apply for leave of absence from school, to be granted to:

Name of Child: **Class:**

Dates of requested absence (from): **(to):**

Total number of school days requested:

Reason for proposed exceptional circumstance.* (see guidance for parents for 'exceptional' thresholds)

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Parents full name:.....

Address:

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I confirm that the information declared is true and accurate.

Parent signature (1)

Parent signature (2)

OFFICE USE ONLY:

An in term absence request that does not routinely fulfill the criteria for exceptional circumstances will be *considered* at the discretion of the headteacher; however, it will **automatically be denied if any marker below is ticked:**

Discretionary Markers	X	Current Att%*
Attendance is below 95% or was so at previous academic year end.		
There have been more than 4 unauthorised absences recorded within the last 12 months		
The request falls within a month of or during a statutory assessment period (Y2 and Y6 SATs)		
The request falls during the first 2 weeks of the academic year.		
The absence requested is greater than 5 school days.		

*Attach herringbone if attendance falls below 95% in either year.

The Headteacher retains the right to deny or grant in term absence should any other non pre identifiable factor be evident. Where authorization is denied and absence occurs, the school will record this as unauthorised and issue a **request for a fixed penalty notice**.

COMPLETED BY THE HEADTEACHER:

Is the absence exceptional YES / NO
Have discretionary markers been identified YES / NO
Parent informed: YES / NO

Signature Headteacher

Date

Authorized: YES / NO