

Leave of absence in term time – fixed penalty notices

The government has published new statutory guidance to schools around attendance which came into effect from the 19th August 2024. We have updated our attendance policy in line with this new guidance, but we also wanted to make you aware of the changes to fixed penalty notices for unauthorised leave in term time.

At St. Aidan's Church of England High School, we strive to achieve excellent attendance for all our pupils. Children who attend school regularly positively impacts on their overall social, emotional and academic development.

However, we recognise that some absence is unavoidable and we will support pupils and families in these exceptional circumstances. Generally, the DfE does not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance. Therefore, we have revised our procedures for leave of absence in term time.

Leave of absence in term time.

Parents/carers must request authorisation from the headteacher if they want to take their child out of school during term time.

A Request for Absence form must be completed at least two weeks in advance of the absence and there must be exceptional circumstances for this leave to be authorised by the school.

In line with DfE guidance, the school does not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance. Leave of absence should also not be authorised for a pupil to take part in protest activity during school hours.

Therefore, the following would not be considered as exceptional circumstances:

- A holiday as the parent/carer was unable to book leave within the holiday period
- A holiday where the parent/carer is unable to take leave within the summer holiday period
- A holiday with other relatives who have limited restricted/leave
- A holiday to visit family members living abroad
- A holiday due to limited leave or to seasonal employment
- A holiday where a child has an existing good attendance record

The headteacher will make the final decision regarding the authorisation of the absence.

A parent/carer can be fined for taking a child on holiday during term time, if it meets the threshold for a fixed penalty notice for children of compulsory school age. If the request for absence is not authorised, and the child is absent from school during that period, the

parent/carer could receive a warning letter or be issued with a fixed penalty notice (by North Yorkshire Council) for each child taken out of school.

The school must consider whether a penalty notice is appropriate in each individual case where one of their pupils reaches the national threshold for considering a penalty notice.

When a leave request is not authorised or a parent/carer has not sought authorisation for the leave of absence and/or no explanation has been given for the absence, the school will consider a request for a penalty notice.

North Yorkshire Council will be issuing all Penalty Notices requested by schools in the area which meet the threshold of ten or more unauthorised sessions leave (in a block or accumulatively) taken without the permission of the school, and where the reason given does not meet any criteria for exceptional circumstances.

Changes to North Yorkshire Council Penalty Notices for unauthorised leave of absence taken in term time:

From the 19th of August 2024 only 2 Penalty Notices can be issued to the same parent in respect of the same child within a 3 year rolling period and any 2nd Penalty Notice issued within that period is charged at a higher rate:

- The first Fixed Penalty Notice issued to a parent in respect of a particular child will be charged at £160 if paid within 28 days, this will be reduced to £80 if paid within 21 days.
- A second Fixed Penalty Notice issued to the same parent in respect of the same child will be charged a flat rate of £160 if paid within 28 days.
- A third Fixed Penalty Notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first Penalty Notice.
- In a case where the national threshold is met for the third time (or subsequent times) alternative action should be taken instead. This will often include considering Prosecution but may include other tools such as one of the other Attendance Legal Interventions.

The school can contact the LA to request the issue of a Penalty Notice, if there have been at least 10 sessions of unauthorised absence, in a block or accumulated, in the preceding 10 week period.

The school regard any absence as potentially damaging to the continuity of learning; we therefore only authorise absence in exceptional circumstances after careful consideration.

A leave of absence could only be authorised if requested in advance and is considered by the Headteacher as exceptional circumstances or as one of following reasons:

- **Medical or dental appointments (*we do ask parents/carers try to organise routine appointments outside the school day*)**
- **Days of religious observance**

- Traveller child travelling
- Family bereavement
- Involvement in a regulated performance or approved sporting activity/event
- Service personnel returning from active deployment
- Where restrictions of the parents' leave or working arrangement is part of the organisational or company policy. This would need to be evidenced by the production or confirmation from the organisation/company*
- Where leave is recommended as part of a parents' or child's rehabilitation. Evidence must be provided.
- When a family needs to spend time together to support each other during or after a crisis.

We hope you find this information useful, please consider these changes if you are planning any family holidays from September 2024.

Further information regarding the changes to the statutory guidance can be found here [Working together to improve school attendance \(applies from 19 August 2024\) \(publishing.service.gov.uk\)](#)