Warwickshire County Council
Communities Group

Attendance Compliance Enforcement Service

Attendance Policy Extract:

Leave of Absence

The Government issued new regulations in September 2013 regarding Leave of Absence; The Education (Pupil Regulations) (England) Regulations 2006 as amended by Education (Pupil Regulations) (England) (Amendment) Regulations 2013

- Head teachers **shall not** grant **any** Leave of Absence during term time **unless they consider** there are **exceptional** circumstances relating to the application.

- Parents do not have any entitlement to take their children on holiday during term time. Any application for leave must establish that there are **exceptional circumstances** and the Head Teacher must be satisfied that the circumstances warrant the granting of leave.

- Head Teachers will determine how many school days a child may be absent from school if the leave is granted.

- The school can only consider applications for Leave of Absence which are made by the resident parent. i.e the parent with whom the child normally resides.

- Applications for Leave of Absence must be made in advance and failure to do so will result in the absence being recorded as “unauthorised”. This may result in legal action against the parent, by way of a Fixed Penalty Notice.

- Applications for Leave of Absence which are made in advance and refused will result in the absence being recorded as “unauthorised”. This may result in legal action against the parent, by way of a Fixed Penalty Notice, if the child is absent from school during that period.

- All matters of unauthorised absence relating to a Leave of Absence will be referred to the Attendance, Compliance and Enforcement Service of Warwickshire County Council.

- The Attendance, Compliance and Enforcement Service have the authority to consider issuing Fixed Penalty Notices for Leave of Absence in line with the Warwickshire County Council’s Non-School Attendance and Penalty Notices Code of Conduct. (A copy of which can be found at https://www.warwickshire.gov.uk/pupilnonattendance).

- If a Fixed Penalty Notice is issued and is not paid within the timeframe set out in that Notice, the matter will be referred to Warwickshire County Council’s Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996.

Each application for a Leave of Absence will be considered on a case by case basis and on its own merits.