

# **Leave of Absence Guidance**

**Requests for Leave of Absence from Maintained Schools**

**School Attendance Support Team**

**September 2023**



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## 1. Background

- 1.1 This guidance has been compiled on behalf of the Local Authority (LA) to assist schools<sup>1</sup> with the management of parental requests for leave of absence in order that:
- a reasoned and consistent approach is adopted in all schools across the county
  - clear information about the effects of family holidays and leave in term time on pupils is available to all concerned
  - best practice is supported.
- 1.2 This guidance applies to all requests for leave which are made by parents. This guidance *does not* however apply in circumstances where a Traveller parent notifies school of their intention to travel for **occupational purposes** as this circumstance falls outside of the scope of this guidance. For advice on this issue, schools should refer to the separate LCC document [Traveller Absence Guidance](#).
- 1.3 The LA is keen to support schools' management of leave in a positive way. This document identifies some principles that are intended to assist schools with the decision-making process.
- 1.4 There is strong evidence to indicate that leave during term time resulting in significant absence from school can be damaging in the following ways:
- negative impact on attainment<sup>2</sup>
  - insufficient coverage of the national curriculum
  - interference with statutory SEN assessment process
  - result in serious delays for children with SEN receiving appropriate provision
  - may cause problems of social reintegration when children return to school affecting self-confidence and their relationship with peers and teachers
- 1.5 Regulation 7 of The Education (Pupil Registration) (England) Regulations 2006, as amended states:
- leave of absence from school shall not be granted unless -*
- a) an application has been made in advance to the proprietor by a parent with whom the pupil normally resides and*
  - b) the proprietor, or a person authorised by the proprietor in accordance with paragraph (1), considers that leave of absence should be granted due to the exceptional circumstances relating to that application.*

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<sup>1</sup> References to "schools" in this document are to maintained schools and non-maintained special schools. Current DfE advice is that Academies and Free Schools with fixed school terms should follow a similar protocol.

<sup>2</sup> [DfE Briefing Note](#)

Hence there is no automatic entitlement in law for parents to take their child out of school during term time. Schools cannot authorise any leave other than in exceptional circumstances. In most instances the Head Teacher is the person authorised by the "proprietor" (ie the governing body) to make this decision.

- 1.6 The LA supports schools in expecting parents not to request leave of absence but acknowledges that the regulations do permit school to exercise discretion to approve leave in exceptional circumstances. The expectation is that most requests for leave of absence would not be approved.

Where a school determines that there are grounds to approve a request for leave of absence, it is for the school to decide how much leave should be approved.

The LA recommends that no more than 20 school days are authorised in most circumstances<sup>3</sup>.

## **2. Advice and recommendations**

- 2.1 References to "schools" in this document are to maintained schools and non-maintained special schools. Current DfE advice is that Academies and Free Schools with fixed school terms should follow a similar protocol.
- 2.2 Schools will need to adopt a clear policy which reflects their expectations regarding leave of absence. It is not possible to issue general guidance to define "exceptional" but a dictionary definition of "forming an exception or rare instance; unusual; extraordinary" may assist schools and parents in understanding when approval for leave may be granted.
- 2.3 In making decisions on requests for leave of absence, schools should consider the circumstances of each application individually and may wish to consider other criteria before authorising the leave, for example:
- a) There are times during a school career when pupils are particularly disadvantaged by extended absence. For this reason it is advised that a pupil's continuity of learning should not be disrupted during:
    - transition, eg during a child's first year at the school
    - the start of any school year
    - pupil assessments in Years 2 and 6
    - GCSE examinations
    - other external examination courses
  - b) The pupil's attendance record and attainment and possible implications for these if the application is granted should be considered:
    - will the pupil become a Persistent Absentee?
    - what curriculum will be missed?

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<sup>3</sup> Where parents are requesting leave for purposes of working or living abroad, the maximum period of time a child should be retained on roll is one term (or an equivalent period of time) – see Appendix C.

- 2.4 Schools should include the procedures for parental application for leave during term time in their Attendance Policy. The LA has produced a pro forma (see Appendix A) to support the application process; this can be downloaded from the [Schools' Portal](#). A parent with whom the child usually resides must make the application<sup>4</sup> – the expression 'parent' includes any person who has parental responsibility for the child or who has care of her or him. This may include the Local Authority for children or young people who are looked after. If a request is submitted by someone other than the parent with whom the child usually resides it should not be considered (the penalty notice procedure can still be followed if unauthorised leave is taken).

The school can decide whether a meeting should be held to discuss the application. In the case of any request for leave the request must be submitted to, and approval for the leave received from, school **in advance** of any holidays being booked.

A checklist (see Appendix B) is available to download from the [Schools' Portal](#) which may be a useful reference and recording tool if a meeting is held with parents, particularly if the request for leave is for a longer period of time, if leave has been taken earlier in the year, or if there are any other concerns.

- 2.5 If leave of absence is taken without the school's authorisation, then the absence, by definition, is unauthorised. In these cases, where the trigger is met, the school may apply for a penalty notice of £120 per parent per child and could also lead to the subsequent removal of the child's name from the school admission register where the criteria laid out in Regulations<sup>5</sup> permit this.
- 2.6 Parents should be advised that if a pupil does not return to school on the agreed date enquiries will be initiated that may include a referral to the [Children Missing Education Team](#). Where the leave was authorised, and the child does not return on the expected date, school should make enquiries to ascertain the reasons for this. Where school are unable to ascertain the whereabouts of the pupil or are unable to make contact with the parents, the school should make a CME referral. Where the absence continues for 10 school days following the expected return date from the authorised leave, without good reason, and the school **and** the Local Authority have failed to identify the child's whereabouts then, in accordance with Regulation, the child's name may be removed from roll with no guarantee of re-admission.
- 2.7 By definition, leave granted under exceptional circumstances should not occur regularly. We advise the authorisation of no more than two such breaks during a pupil's school career (ie reception to year 11); however, it should be recognised that in some cases, this frequency could still have a damaging effect on a child's educational attainment and social attachments.

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<sup>4</sup> The Education (Pupil Registration) (England) Regulations 2006 as amended Regulation 7(1)(A)

<sup>5</sup> The Education (Pupil Registration) (England) Regulations 2006 as amended Regulation 8(1)(f)

- 2.8 The LA's pro forma should enable Head Teachers to obtain the information required to self-manage the leave of absence process. It is particularly important that parents try to ensure that schools are notified if unforeseen circumstances prevent their child's return on the agreed date. Contact details must be provided to allow schools to initially follow up on any unavoidable delays and to ensure compliance with safeguarding.

Schools will need to follow up individual circumstances and satisfy themselves that the causes are/were unavoidable in order to mark the registers correctly and to reduce the risk of pupils going missing from education.

## APPLICATION FOR LEAVE OF ABSENCE FROM MAINTAINED SCHOOLS

It is a legal requirement for parents/carers to obtain the permission of the Headteacher before removing their child from school in order to take **any** leave in term time. Parents **do not** have an automatic right to take their children out of school for leave during term time and may be issued with a Penalty Notice (£120 per parent per child) if they do so without prior arrangement with the Headteacher. **The legislation only allows the Headteacher to authorise such leave in exceptional circumstances.**

To apply for a child to be granted leave from school parents should **complete this form and return it to school for consideration well in advance of the proposed leave and before committing to any expense.** Upon receipt of a request the Headteacher will make a decision as to whether to authorise the absence, being mindful of government regulations and LA guidance. **It is important that, if you believe exceptional circumstances apply, you provide this information to school at the time of submitting this request.** Information submitted at a later date will not be considered. By definition, exceptional trips should not occur regularly.

Where school have concerns about the leave request, the Headteacher or their representative will arrange to meet with you to discuss your application. Please see overleaf for factors that may be taken into account by school when considering a request for leave.

### **PARENTS' SECTION (NB application must come from the parent with whom the child normally resides)**

(Please attach additional sheets if necessary)

Surname of child:		First name of child:	
Date of Birth:		Year Group:	
Surname of parent/carer:		First name:	
Relationship to child:		Are there any siblings applying for leave?	
Home address:			
Postcode:		Telephone number:	
Please provide information regarding the exceptional circumstances supporting this application for leave. (additional documents can be attached):			
Length of absence: (number of school days)		Destination (if applicable):	
Date of departure:		Date due back in school:	
Emergency UK telephone contact name and number:		Other emergency contact details, if leave is outside the UK:	

## Appendix A

### Employer Details

If you are stating work commitments as an exceptional reason for requesting leave, please complete this section and attach any evidence you have showing why leave cannot be taken during the school holidays.

Name:	
Address:	
Telephone:	

**Parent/carers (with residence)  
signature:**

**Date of  
Application:**

I confirm that I have included any relevant information for consideration (Y/N):

### **ADDITIONAL FACTORS FOR CONSIDERATION**

Pupils attend school for a maximum of 190 days each academic year. Regular attendance is vital for your child's educational progress. The Local Authority expects that all parents/carers ensure their children attend school whenever possible. Absence during school time is largely prohibited by regulation and hinders academic progress. Even in exceptional circumstances, the following factors may be taken into account when considering an application for leave:

- Will leave at this point in time be detrimental to the pupil's education?
- Will he/she miss any national tests or examinations?
- Is his/her attendance a cause for concern?
- Is the proposed absence during the month of September or any other transition period?
- Has he/she already had leave during term time this year?
- Did he/she have leave of absence during term time in the previous school year(s)?
- Does he/she have any absences which have been recorded as unauthorised this year?

### **SCHOOL SECTION**

Date application received:

Pupil's % Attendance:

Date of meeting with parent(s):  
(if applicable)

SIMS/STAR ethnicity code:

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Gender of child:

Male	Female
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About the request:  
(Please circle)

Leave request approved?	Yes	No
Parent(s) informed of potential consequences of taking unauthorised leave?	Yes	No
How many days leave have been requested?		
Parent(s) informed of potential consequences of failure to return on due date?	Yes	No

Reason(s) for decision:

Number of previous  
applications granted:

**Headteacher signature:**

**Date:**

**Please return a copy of this form to the parent/carers after consideration.**

In cases where leave has been authorised by the school, parents/carers may wish to keep this letter of authorisation with them as evidence if they are challenged by an attendance/police officer during a truancy sweep.



## APPLICATION FOR LEAVE OF ABSENCE FROM MAINTAINED SCHOOLS

**Name of Pupil(s):**

**Date of Meeting:**

**Attendees:**

### **Additional Factors for Consideration**

Pupils attend school for a maximum of 190 days each academic year. Regular attendance is vital for your child's educational progress. The Local Authority expects that all parents/carers ensure their children attend school whenever possible. Absence during school time is largely prohibited by regulation and hinders academic progress. Even in exceptional circumstances, the following factors may be taken into account when considering an application for leave:

<b>Factor</b>	<b>Comments</b>
Will he/she miss any national tests or examinations?	
Is his/her attendance a cause for concern?	Current Attendance: _____%
Is the proposed absence during the month of September or any other transition period?	
Has he/she already had leave during term time this year? If so, please give dates and number of school days leave.	
Did he/she have leave of absence during term time in the previous school year(s)?	
Does he/she have any absences which have been recorded as unauthorised this year?	
Will the absence be detrimental to his/her education?	

### **Other Comments**

Headteacher's Signature:

Date:

### **Guidance on retention or removal from roll for "long term" leave of absence**

On occasion, a parent will ask school for leave of absence for longer periods – the reasons for this can include:

- Parent required to work abroad temporarily
- Parent taking a sabbatical
- Custody disputes where the child's return is subject to court decisions or legal implementation of court orders and where dual registration at another school is not an option
- Child, sibling or parent going abroad for medical treatment

The school will in the first instance need to determine whether the grounds given for the requested absence meet the threshold of exceptional circumstances. If not, the parent should be advised that the leave has not been approved and if the child is absent then school should follow its usual processes relating to non-attendance and removal from roll, in line with current regulation. If the school does accept that there are exceptional circumstances, consideration needs to be given to how long a child may realistically remain on roll if the absence is to be for a protracted period.

Whilst the school may wish to approve leave and retain the school place until the pupil's return in order to ensure the child's education suffers the least disruption, this should be balanced against the implications of claiming funding for a pupil who is not being educated by the school for a significant part of the school year. Schools should also bear in mind that there is a need to ensure all pupils are receiving a broad and balanced curriculum.

Lancashire County Council recommends that the maximum period a child should be retained on roll in such circumstances is one term or three consecutive months. Parents should be advised that pupils will be removed from roll at that time if they have not returned, and in general circumstances the place will not be held for the pupil.

Where pupils do not return on the agreed date following "long term" leave of absence, school should remove the pupil from roll and notify the Children Missing Education Team using the relevant [CME eForm](#), citing Regulation 8(1)(e) of The Education (Pupil Registration) (England) Regulations 2006 as the criterion for removal of the child's name from the school's admissions register.

However, there are exceptions to the general rule, such as:

- situations where children are the subject of custody disputes (and are unable to return to school as they are subject to court decisions, or the implementation of court decisions). In such cases school can choose to hold ('reserve') the place for that pupil, or
- situations where one parent remains in the locality whilst the other parent has taken the pupil(s) out of school (in such cases Regulation 8(1)(e) does not apply as the parent is still residing in the area). In these cases school should discuss the initiation of legal proceedings with the School Attendance Legal Team (SALT) to expedite either a return to school or an alternative resolution to the situation.

### **Request for leave flowchart**

The flowchart on the following page is designed to assist with the process of decision making regarding requests for leave during term time as described in the main body of the document. The information within this is intended as guidance for schools, to help them establish school systems to manage the leave request process.

Following the changes to legislation, schools can now only authorise requests for leave in term time in exceptional circumstances. The legislation applies to all requests for leave, not just requests for family holidays.

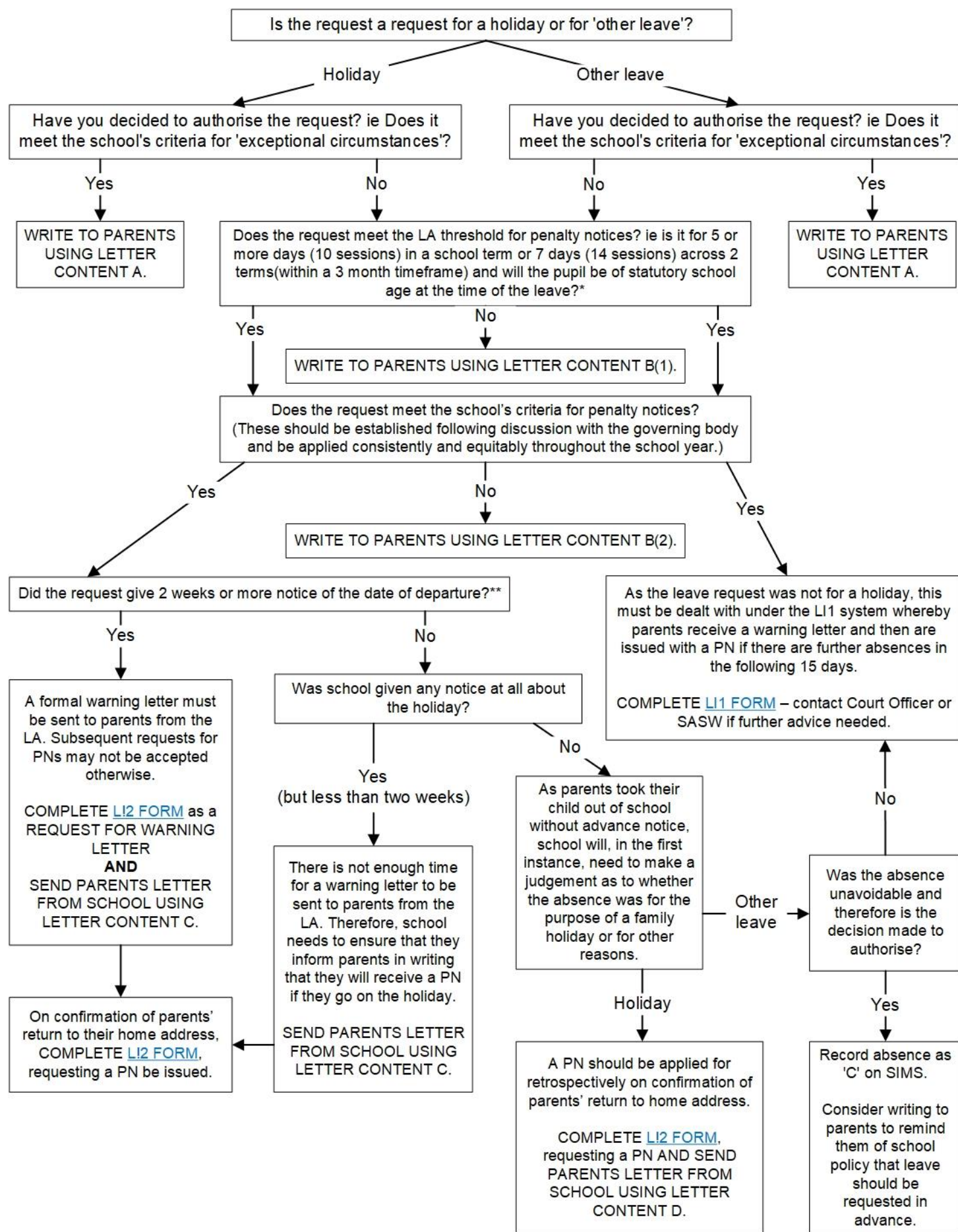
The legislation does not however apply to circumstances where a Traveller parent notifies school of their intention to withdraw their child from school whilst they are travelling for occupational purposes. In these cases, schools should follow the advice found with the separate LCC document [Traveller Absence Guidance](#). However, requests for leave for all other reasons which are made by Traveller parents should be considered under the guidance within this document.

It is for schools to consider whether leave which is unauthorised should be dealt with through legal interventions (penalty notices). However, there is a distinction between leave for the purposes of a holiday and leave which is for other purposes and so this is highlighted within the flowchart.

Schools are reminded that penalty notices can also be used for instances of 'truancy' (unauthorised absence). The process of issuing penalty notices for this purpose is not covered within this flowchart.

Additionally, there are circumstances described in Appendix C (above) which are more complex than the 'average' request. This flowchart IS NOT designed to guide schools through these scenarios. In such cases, further advice should be sought from the [School Attendance Support Team](#) (regarding requests for leave) or from the [School Attendance Legal Team](#) (regarding penalty notices / legal interventions).

## Appendix D



\* In order for a PN to be applied, pupils must be of statutory school age at the time of the requested leave.

\*\* This refers to the time between the submission of the request and the date of departure, NOT the date school dealt with and responded to the request. Therefore, best practice recommendations are that schools deal with requests as soon as possible following their submission.

## Letter Content

### Letter A:

(The intention of this letter is to ensure that parents are made aware that, although you may have authorised the holiday request, this should not be seen as a precedent and that future requests are likely to be viewed differently.)

Dear <Parent's Name>

Thank you for your request for leave of absence for <Child's Name>, from <date> to <date>.

Your request for leave has been authorised as it meets the current criteria set by school and is deemed to be exceptional on this occasion.

However, any further requests are likely to be unauthorised and you should be aware that unauthorised absences carry with them the risk of a penalty notice.

Yours Sincerely

Headteacher

### Letter B:

This letter should be sent when absence levels are not high enough to meet the 5 day/term threshold for the use of a penalty notice but you want parents to be aware that you do not agree with the reasons they are taking their child out of school.

Dear <Parent's Name>

Thank you for your request for leave of absence for <Child's Name>, from <date> to <date>.

Unfortunately, on this occasion your request does not meet the exceptional criteria set out by school and so the request for leave has **not** been authorised.

Absence at this level does not meet the criteria for the issuing of a penalty notice. However, you should be aware that these absences will remain on your child's record and will be aggregated with any future unauthorised absence. If there are further unauthorised absences, this could lead to the issuing of a penalty notice.

I ask that you reconsider your plans and take a holiday during the school holiday pattern, meaning that your child's education will not be interrupted as any absence from school can disrupt learning and could impact your child's attainment.

Yours Sincerely

Headteacher

## Appendix D

### **Letter C:**

This letter should be sent so that parents are aware that school intends to pursue a penalty notice if the holiday is taken as they do not agree to it being taken *and* it meets both schools and the Local Authorities PN thresholds.

**NB: where there are less than 2 weeks' notice given, schools should ensure that they send this letter (or one with similar content) as it forms the only warning re: the issuing of a PN that parents will receive (as the LA will not have time to send out their own warning letter). If a verbal discussion is had with parents then schools are advised to send this letter as well so that parents have written confirmation of the school's decision in case of any future dispute.**

**It is important that schools send an individual copy of this letter to ALL parents who are known by the school to be parents of the child (as defined The Education Act 1996), not just to the parent who completed the holiday request form.**

Dear <Parent's Name>

Thank you for your request for leave of absence for <Child's Name>, from <date> to <date>.

Unfortunately, on this occasion we are unable to authorise your request for leave for the purposes of a family holiday as it does not meet the criteria as set out by school.

We also need to inform you that, should you still choose to take your child out of school, **we will be** requesting that the Local Authority issue you with a Penalty Notice which is currently charged at £120 per parent, per child. (This is payable at the reduced rate of £60 if paid within 21 days).

Failure to pay the Penalty Notice could result in legal proceedings being taken against you. This may result in a criminal record.

I therefore ask that you reconsider your plans and take a holiday during the school holiday pattern, meaning that your child's education will not be interrupted and no Penalty Notice will be incurred.

Yours Sincerely

Headteacher



## Letter D:

To be sent to parents on their child's return to school from holiday where this leave was not requested in advance.

There may be instances where parents cite alternate reasons for absence, e.g. saying their child is ill, but if school believe the child was on holiday then they should challenge this and this letter would be an appropriate way to do so.

Dear <Parent's Name>

It has come to our attention that the reason for your child's recent absence from <date> to <date> from school, was due to the fact that they were on a family holiday for which a leave of absence was not requested in advance.

As the school had not given permission for <Child's Name> to be absent from school during these dates we are proposing to record the absences as unauthorised.

We will therefore be contacting the Local Authority with regard to the issuing of a Penalty Notice.

Penalty Notices are charged at £120 per parent, per child and are payable within 28 days. (They are payable at the reduced rate of £60 if paid within 21 days).

Failure to pay the Penalty Notice could result in legal proceedings being taken against you. This may result in a criminal record.

Consequently if you wish to provide me with any information regarding any mitigating circumstances surrounding these absences, I would ask you to contact me as soon as possible. If I have not heard from you by <date> then I will be submitting paperwork to the Local Authority to request that a penalty notice is issued.

I would like to take this opportunity to remind you that in accordance with regulations imposed by the Government, leave of absence can only be granted in exceptional circumstances. Leave can't be applied for or approved retrospectively.

Yours Sincerely

Headteacher