



Leave of Absence Guidance

School Attendance Support Team

September 2024



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Introduction

- 1.1 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. Leave of absence should not be granted for a pupil to take part in protest activity during school hours.
- 1.2 **Exceptional circumstances:** All schools can grant a leave of absence for other exceptional circumstances at their discretion. In the case of schools maintained by local authorities and special schools not maintained by local authorities, it must be requested in advance by a parent who the pupil normally lives with. Schools are then expected to consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request. If a leave of absence is granted, it is for the school to determine the length of the time the pupil can be away from school.
- 1.3 This guidance has been compiled on behalf of the Local Authority (LA) to assist schools 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.
- 1.4 This guidance applies to all requests for leave which are made by parents. This guidance does not however apply in circumstances where a parent of a 'mobile child' 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 [Guidance on the use of Code T](#).
- 1.5 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.
- 1.6 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;
 - 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.
- 1.7 Working Together to Improve School Attendance statutory guidance states:
- All schools can grant a leave of absence when a pupil needs to be absent from school with permission. All schools are expected to restrict leaves of absence to the specific circumstances set out in regulation 11 of the School Attendance (Pupil Registration) (England) Regulations 2024 and schools maintained by a*

local authority and special schools not maintained by a local authority must do so. These circumstances are:

- *Taking part in a regulated performance or employment abroad: in line with a licence issued by a local authority or Justice of the Peace or a body of persons approval (BOPA). (For full details please see Code C1)*
- *Attending an interview: for entry into another educational institution or for future employment were requested in advance by a parent the pupil normally lives with.*
- *Study leave: for public examinations, as agreed in advance with a parent the pupil normally lives with. Please note this does not include any internal examinations such as mocks as study leave should not be granted in such cases.*
- *A temporary, time-limited part-time timetable: where the pupil is of compulsory school age, both the parent who the pupil normally lives with and school agree the pupil should temporarily be educated on a part-time basis for exceptional reasons and have agreed the times and dates when the pupil will be expected to attend school as part of that timetable. (For full details please see part-time timetable)*
- *Exceptional circumstances: All schools can grant a leave of absence for other exceptional circumstances at their discretion. In the case of schools maintained by local authorities and special schools not maintained by local authorities, it must be requested in advance by a parent who the pupil normally lives with. Schools are then expected to consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request. If a leave of absence is granted, it is for the school to determine the length of the time the pupil can be away from school.*

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. Leave of absence should not be granted for a pupil to take part in protest activity during school hours.

All schools are also able to allow pupils of non-compulsory school age to be absent for sessions they are not timetabled to attend (For full details see code X).

If a pupil is over compulsory school age (e.g., in sixth form) leave can be requested or agreed by the pupil or a parent they normally live with.

- 1.8 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 headteacher is the person authorised by the 'proprietor' (i.e., the governing body) to make this decision.
- 1.9 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.

Advice and recommendations

- 2.1 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. By definition, leave granted under exceptional circumstances should not occur regularly.
- 2.2 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, the time of year and whether the pupil will miss exams etc.
- 2.3 Schools should include the procedures for parental application for leave during term time in their Attendance Policy. The LA has produced a template for a leave of absence request (see pages 6 and 7) 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 in advance of the leave, the expression 'parent' includes any person who has parental responsibility for the child or who has care of her or him.
- 2.4 The school can decide whether a meeting should be held to discuss the application. A template (see page 8) 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 £160 per parent per child as per the National Framework for Penalty Notices.
- 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 local authority consent.
- 2.7 The LA's template form should enable headteachers 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.

- 2.8 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

Missing school can disrupt a child's learning progression, as well as their ability to engage with peers and participate in ongoing projects. Parental support in maintaining regular school attendance is highly appreciated and can make a significant difference in a pupil's educational journey.

Parents/carers should obtain permission from the head teacher **before** taking a child out of school for leave during term time for **any reason**.

Absences taken without permission may be unauthorised by the school. Parents do not have the automatic right to insist that school absences are authorised, only the school may decide how to mark the register. Schools must take into account the statutory Department for Education (DfE) guidance when deciding whether to authorise a leave request. Schools can grant a leave of absence for exceptional circumstances at their discretion.

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. Leave of absence should not be granted for a pupil to take part in protest activity during school hours.

Where absences are not authorised and meet the qualifying trigger (10 sessions (equivalent of 5 days) in a rolling 10 school-week period), schools **must** consider applying to the Local Authority (LA) for a penalty notice. Upon receipt of such an application, the LA may decide to either issue a penalty notice or institute other legal action (e.g., prosecution).

This form should be fully completed **by the parent with whom the child normally resides** and returned to school for consideration well in advance of the proposed leave and before committing to any expense. Once received the head teacher (or delegated person) will decide whether to approve the request, bearing in mind the current regulations and government guidance.

First name of child	<input style="width: 95%;" type="text"/>	Surname of child	<input style="width: 95%;" type="text"/>
Date of birth	<input style="width: 95%;" type="text"/>	Year group	<input style="width: 95%;" type="text"/>
First name of parent/carer	<input style="width: 95%;" type="text"/>	Surname of parent/carer	<input style="width: 95%;" type="text"/>
Relationship to child	<input style="width: 95%;" type="text"/>		
Home address	<input style="width: 95%;" type="text"/>		
Postcode	<input style="width: 95%;" type="text"/>	Telephone number	<input style="width: 95%;" type="text"/>

Provide details of any siblings at the school who you also wish to apply for leave for

First name of child	Surname of child	Date of Birth	Year Group
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Length of absence (number of school	<input style="width: 95%;" type="text"/>	Destination (if applicable)	<input style="width: 95%;" type="text"/>

Date of departure Date due back in school

UK emergency contact and telephone number

Other emergency contact details

Provide information regarding the exceptional circumstances for leave.
(additional documents may be attached)

I confirm I am the parent with whom the child normally resides (tick)

I confirm I have included any relevant information for consideration (tick)

Parent/carer signature Date

SCHOOL SECTION

Date Received Pupil Attendance % Date discussed with parents (if applicable)

The headteacher/authorised person has considered this leave request.

The outcome of the request is: (circle)

- Not Approved**
Permission not granted
- Approved**
Permission granted
- Partially Approved**
Some days to be authorised

If only some of the leave is to be approved, number of days which will be authorised

Reason(s) for decision

Headteacher / appropriate person signature

A copy of this form should be provided to the parent(s).

All parents should be individually notified in writing of the outcome of this request and must be notified in circumstances where a penalty notice will be requested.

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:

Factor	Comments
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

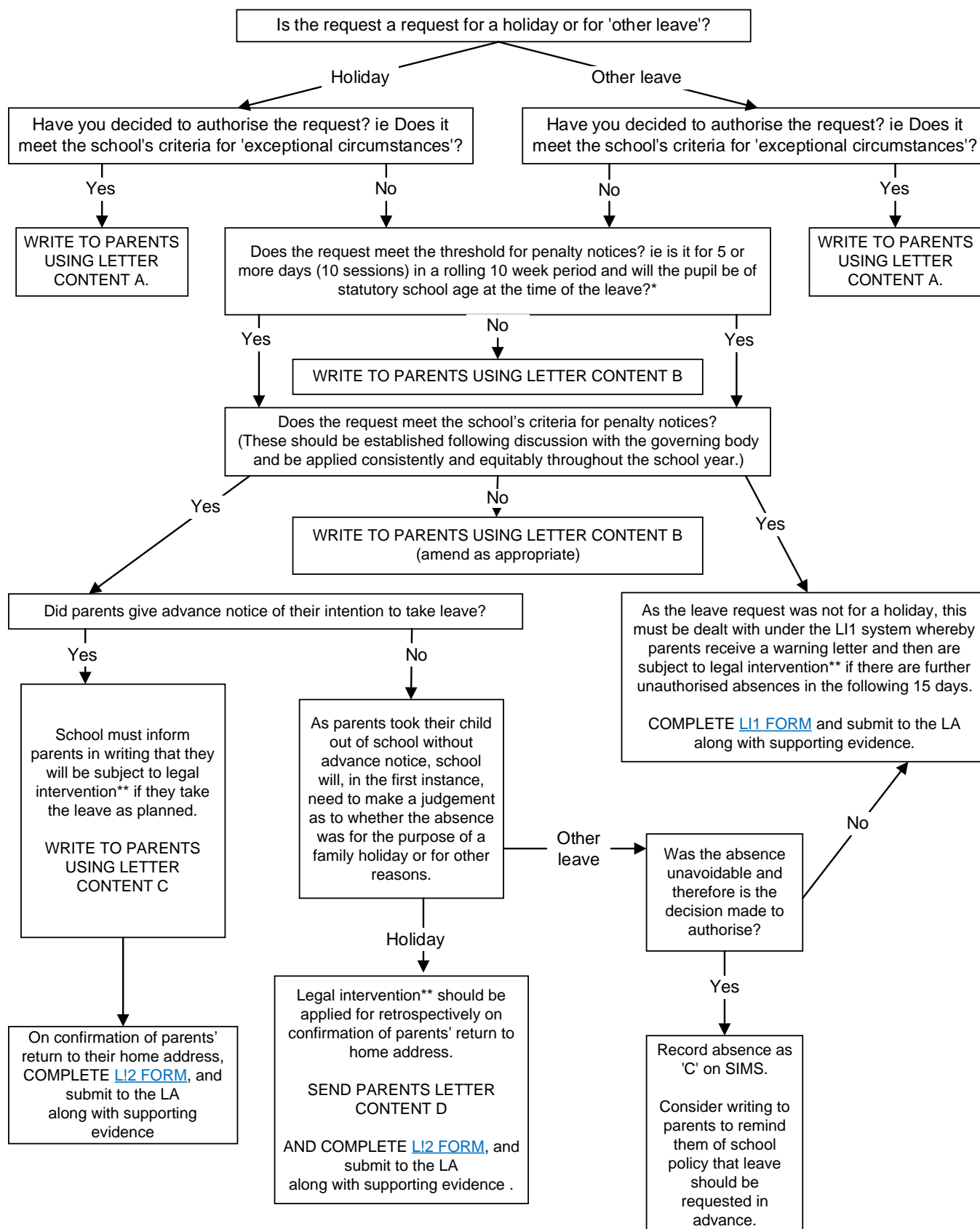
- 3.1 On occasion, a parent will ask school for leave of absence for longer periods. The reasons for this can include:
- Parent required to work abroad temporarily.
 - Parent taking a sabbatical.
 - Custody disputes where the child's return is subject to court decisions or legal implementation of court orders and where dual registration at another school is not an option.
 - Child, sibling or parent going abroad for medical treatment.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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 9(1)(g) of The School Attendance (Pupil Registration) (England) Regulations 2024 as the criterion for removal of the child's name from the school's admissions register.
- 3.6 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 9(1)(g) 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

- 4.1 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.
- 4.2 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.
- 4.3 The legislation does not however apply to circumstances where the parent of a mobile child notifies the 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 [Guidance on the use of Code T](#). However, requests for leave for all other reasons which are made by parents of a mobile child¹ should be considered under the guidance within this document.
- 4.4 Schools must consider whether leave which is unauthorised should be dealt with through legal interventions. 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.
- 4.5 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.
- 4.6 Additionally, there are circumstances described on page 9 (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).

¹ . A mobile child is a child of compulsory school age who has no fixed abode and whose parent(s) is engaged in a trade or business of such a nature as to require them to travel from place to place.



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

** NB under the new Framework for Penalty Notices, parents PN's are issued for 1st and 2nd offences within a 3 year rolling period. 3rd offences may result in prosecution.

Letter templates

Letter A

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

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/leave request form. Please ensure you delete this explanatory text from the letter.

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 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 or a prosecution.

Yours sincerely

Head Teacher

Letter B

This letter should be sent when absence levels are not high enough to meet the 10 sessions (equivalent to 5 days) threshold for a penalty notice, but you want parents to be aware that you do not approve of the absence from school.

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/leave request form. Please ensure you delete this explanatory text from the letter.

Dear <Parent's Name>

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

It has been decided that your request does not meet exceptional criteria and so the request for leave has **not** been authorised.

Absence at this level does not meet the criteria for a penalty notice or other legal intervention. However, you should be aware that these unauthorised 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 a penalty notice or a prosecution.

You should also be aware that absence from school means that your child will be missing valuable lesson time and that this will impact on their progress within school.

I ask that you reconsider your plans and take leave during the school holiday pattern, meaning that your child's education will not be interrupted.

Yours sincerely

Head Teacher

Letter C

This letter should be sent so that parents are aware that school intends to pursue a penalty notice if the leave is taken as they do not agree to it being taken *and* it meets the national threshold for a penalty notice to be issued (10 sessions/5 days of unauthorised absence within a rolling 10-school week period).

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. Please ensure you delete this explanatory text from the letter.

Dear <Parent's Name>

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

We are unable to authorise your request for leave.

We also need to inform you that, should you still choose to take your child out of school, as per the statutory guidance from the Government, we must request that the Local Authority consider issuing you with a penalty notice. The Local Authority may decide to either issue a penalty notice or prosecute you.

Penalty notices are currently charged at £160 per parent, per child. Failure to pay a penalty notice can result in prosecution and a criminal record.

From August 2024, if you have previously received two penalty notices for the same offence within a rolling 3-year period, the Local Authority cannot by law issue a further penalty notice and will therefore consider prosecution.

Prosecution will also be considered for unauthorised leave of 15 school days or more as this is deemed an excessive amount of time out of school. If the leave is reduced to less than 15 school days, the local authority may consider a penalty notice instead (provided you haven't previously received penalty notices as above).

You should also be aware that absence from school means that your child will miss valuable lesson time and that this will impact on their progress within school.

I therefore ask that you reconsider your plans and take leave during the school holiday pattern, meaning that your child's education will not be interrupted, and you will avoid legal action.

Yours sincerely

Head Teacher

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.

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). Please ensure you delete this explanatory text from the letter.

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 because they were on a leave that 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.

As the unauthorised absences will meet the qualifying trigger (5 days/10 sessions in a rolling 10-school week period), as per the statutory guidance from the Government we must request that the Local Authority consider issuing you with a penalty notice. The Local Authority may decide to either issue a penalty notice or prosecute you.

Penalty notices are currently charged at £160 per parent, per child. Failure to pay a penalty notice can result in prosecution and a criminal record.

From August 2024, if you have previously received two penalty notices for the same offence within a rolling 3-year period, the Local Authority cannot by law issue a further penalty notice and will therefore consider prosecution.

Prosecution will also be considered for unauthorised leave of 15 school days or more as this is deemed an excessive amount of time out of school.

Consequently, if you wish to provide me with any information regarding any mitigating circumstances surrounding these absences, please provide the school with evidence as soon as possible.

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

Absence from school means that your child will miss valuable lesson time and that this will impact on their progress within school. With this in mind, please try to minimise further absences.

Yours sincerely

Head Teacher