

**To: Head teachers of all Birmingham primary, secondary, special schools, free and studio schools, and academies.**

### **BCC Leave in Term Time Guidance for Schools and Academies**

You will be aware that the Government has amended the Education (Pupil Registration) (England) Regulations 2006 in relation to the authorisation of term time leave for pupils. These amendments came into force on 1 September 2013.

In the **Education (Pupil Registration) (England) (Amendment) Regulations 2013**, all references to family holiday and extended leave as well as the statutory threshold of ten school days have been removed. The amendments make clear that **Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances**. Headteachers should determine the number of school days a child can be away from school if the leave is granted.

***Please note that the Regulations referring to removal from roll in relation to term time leave have not changed.***

Following circulation of the draft document to a number of schools, academies and members of the BCC Attendance Strategy Group, (and the subsequent feedback), the new guidance for schools and academies in relation to the amendment detailed above is now available and attached to this document.

This replaces the BCC “Extended Leave and Absence during Term Time” Guidance published in 2008 and provides examples of letters to parents/carers, procedures, as well as a suggested definition of the term “exceptional circumstances”

New procedures for issuing penalty notices to parents/carers who take their children on unauthorised term time leave, (where no leave has been authorised), are also available. Further details are available in the guidance.

Information leaflets for parents are available through the Education Welfare Service and can be obtained via the EWS office on 303 8900.

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Birmingham Education Welfare Service

2<sup>nd</sup> September 2013

# Leave in Term Time (Pupils)

## Guidance for Schools and Academies

Replaces 'BCC Extended Leave  
And Absence  
During Term Time' guidance

With Reference to the Statutory Instrument 2006 No. 1751  
**The Education (Pupil Registration) (England) Regulations 2006 and the  
Education (Pupil Registration) (England) (Amendment) Regulations 2013**

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## **Raising Attainment by Reducing Absence in Term Time**

This Guidance replaces the 2008 'Extended Leave in and Absence During Term Time' document. It is intended to:

- A highlight the negative impact on educational progress and achievement arising from parents removing their children from school during term time in order to travel abroad and/or take family holidays
- B establish consistent policy and practice within Birmingham maintained schools, free schools, studio schools and academies that safeguards the right of the child to an education

**This guidance is developed within the context of the national and local priority of raising the educational achievement and attainment of all pupils.**

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## School Absence: Leave in Term Time (pupils)

### 1. Introduction

**The Education (Pupil Registration) (England) Regulations 2006** previously allowed Head Teachers to grant a leave of absence for the purpose of a family holiday during term time in “special circumstances” of up to ten school days leave per year. Head Teachers could also grant extended leave for more than ten school days in “exceptional circumstances”. Neither “special” nor “exceptional” circumstances were defined in the regulations.

**From 1<sup>st</sup> September 2013**, amendments to the Regulations remove references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that **Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances**. This places the Regulations in line with Birmingham’s previous guidance. In addition, the Head Teachers is the person who determines the number of school days a child can be away from school if the leave is granted.

The Regulations regarding deletion from roll, however, remain unchanged.

***The Education (Pupil Registration) (England) Regulations 2006 apply to all maintained schools, academies, studio schools, free schools and independent schools.***

- 1.1 Nationally, requests for term time leave by parents/carers for holidays during term time have reduced but as families seek to take cheaper holidays particularly at a time of economic hardship for many, there is concern that requests for term time leave may increase.
- 1.2 While many parents now choose to visit family in other countries during the school holidays, a significant minority have realised that their child will not lose their school place as long as they return to school within 20 school days. Birmingham Education Welfare Service has developed a new legal process to assist schools with this difficulty. However, the process cannot be used where any leave has been granted or where children have been, or are to be, removed from the school roll.
- 1.3 Schools have widely differing policies regarding the removal of pupils from the school roll when pupils fail to return to school following term time leave. Unlawful deletions from school roll, based on incorrect interpretations of the regulations, appear to have increased. Schools risk heavy financial penalties/fines if they remove children from roll unlawfully. There is also the essential consideration of safeguarding children and young people. Children and young people who find themselves without a school place can be placed in very vulnerable situation.
- 1.4 **Pupils with 85% or less attendance (or those who have missed at least 38 or more sessions) between September and the Easter holidays are counted as persistent absentees (PA), whether their absence is**

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**authorised or not.** Persistent absence levels for individual schools are published annually on the DfE performance tables and Ofsted expects schools to have PA levels at no more than the national average according to the 2012 Ofsted Framework.

- 1.5 Attendance of less than 95% (i.e. absences of 9.5 school days or more out of the 190 pupil days in the school year) is shown to compromise pupil attainment. At 90% attendance pupils miss the equivalent of almost 4 weeks education (19 school days) and only 10% of pupils who are persistently absent from school achieve 5 A-C grades at GCSE.
- 1.6 The redesign of BCC Children, Young People and Families has seen the removal of the post of Education Social Worker. The Family Support and Safeguarding Teams work with families with complex needs, which could include poor attendance, but they do not enforce pupil attendance via the statutory route. Birmingham Education Welfare Service continues to prosecute parents who have failed to ensure their children attend school regularly by working directly with schools

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## 2. **Key Elements of the Guidance**

- 2.1 By law, Head Teachers may not authorise leave in term time for pupils unless there are “exceptional circumstances”. (Please see 2.6 for suggested definition)
- 2.2 Parents should be informed by the school of the change in the law. Schools may use the letter in **Appendix 3 ‘Leave in Term Time - A very important message for all parents’** for this purpose. Information for parents/carers clarifying their legal responsibilities regarding attendance and highlighting the impact of absence during term time should be made available each year to all parents/carers, through new parent and pupil induction, as part of parent evenings and in the school’s prospectus. **Leaflets are available from EWS to support the sharing of this information from the perspective of the Local Authority.**
- 2.3 When parents request permission to take their children out of school during term time where there are exceptional circumstances, an application form should be completed and submitted to the school at least two weeks before they are due to leave. Parents must contact the school and allow the school to consider their application before booking flights or leaving the country, even when unforeseen events occur (e.g. family bereavement)
- 2.4 It is essential that all schools operate a formal process of application, interview and contract.**
- 2.5 The Head Teacher and Governing body are within their rights to turn such applications down and refuse authorisation for parents/carers to take their children out of school during term time. Such a decision will have been made in the best interests of the pupil’s educational progress and attainment and with due regard to their previous attendance record.
- 2.6 The Head Teacher may, on rare occasions, make a judgement that there are genuine and exceptional circumstances pertaining to an application to take a pupil out of school during term.

For example:

- death of parent/carer or sibling of the pupil
- life threatening or critical illness of parent or sibling of the pupil
- parent/carer recuperation and convalescence from critical illness or surgery (leave request to be made within 6 months of recovery and medical evidence required)
- leave for armed forces personnel who are prevented by operational duties to take their leave at any other time
- leave of absence already granted by a previous school or local authority (granted within the last six months and supported by documentation from the previous school)

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**Family emergencies need careful consideration. It is not always in the best interests of the pupil nor appropriate for them to miss school for family emergencies that are being dealt with by adult family members. School and school friendships and relationships can provide pupils with stability and care during difficult times. The routine of school can provide a safe and familiar background to life during times of upheaval.**

However, where the Head Teacher judges there to be genuine and exceptional reasons for a pupil to be absent during term time, they may agree to a period of leave and have the right to determine the number of school days a child can be away from school if the leave is granted.

Granting such a block of leave should be ***an absolute exception***.

**The Local Authority suggests that if parents apply for leave for their child and the Head Teacher is minded to grant leave, where possible the leave should be wrapped around the school holidays and that there should be no more than 3 consecutive school days approved.**

2.7 Head Teachers should record the number and frequency of absence taken for this purpose throughout a pupil's school career in order to assess the potential impact on a pupil's education of any proposed further term time leave. ***(A recommended letter of application; record of visits; and an agreement / contract form are attached in the appendices).***

2.8 Head Teachers should also take into account the following circumstances:

- the pupils current absence record
- the number of previous similar requests
- the year group the pupil is in
- proximity of major tests/exams
- the time of the academic year proposed
- the duration of the absence and its impact on continuity of learning

As part of their application for leave in term time in exceptional circumstances, parents/carers will be expected to demonstrate a willingness to make arrangements that cause the least disruption to their children's learning.

2.9 A home/school contract or agreement, stating the date of return, must be agreed and signed by the parent/carer and Head Teacher. A suggested format for the contract, which should be printed on school headed notepaper, is attached in the Appendix. ***The school and the parents/carers(s) should retain a copy of the contract and any subsequent letters. This is particularly important if parents/carers later appeal following the loss of a school place.***



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- 2.10 Failure to agree a home/school contract, or non-return by the agreed date, places the parents/carers at risk of being issued a penalty notice or the pupil at risk of losing his/her school place. The parent/carer must be informed in writing of this prior to departure.
- 2.11 If the school decides not to agree to the request and the parents/carers take their child/ren on unauthorised leave, a decision must be taken by the Head Teacher as to whether it is appropriate to follow the removal from roll procedures or the penalty notice procedures, or neither. **Please note that removal from roll is not applicable for pupils with a Special Educational Needs Statement or if a pupil is the subject of a child protection plan without the agreement of the Local Authority.**
- 2.12 For a penalty notice to be issued, please see *Section 8*.
- 2.13 A penalty notice may not be issued if the Head Teacher has authorised any of the leave or if the child has been deleted from the school roll, or the school intends to remove the child from the school roll under the procedures outlined in *Section 9*.

### 3. **Procedures and Timeline for Intervention**

- 3.1 Schools should use the 'Leave in Term Time - A very important message for all parents' letter detailed in **Appendix 3**, to inform parents about the changes to the regulations. ***Leaflets from the Local Authority to accompany the letter are also available***
- 3.2 The procedures and timelines for intervention regarding leave in term time are detailed in the flow charts included in **Appendix 1 and 2**. The letters referred to in the timeline are also included in **Appendix 6** and should be issued on school headed notepaper.
- 3.3 Parents should be advised that if they take leave in term time which is not authorised, they may be served with a penalty notice by the Local Authority which may result in legal action via the Court.
- 3.4 Birmingham Education Welfare Service has developed a legal process where parents/carers may be issued with a penalty notice for removing their child from school for an unauthorised leave of absence in term time. A combination of all unauthorised absence over the preceding 12 months, including code G will be taken and will be the basis of any decision by the Local Authority. ***(Section 8) Please note that penalty notices are issued in respect of each parent for each child. Therefore a family of two parents who take two children on unauthorised leave during term time would receive four penalty notices, potentially a fine of £240 to £480. The process does not apply where schools have granted any leave or where the child may be/has been removed from roll as detailed in Section 9.***

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3.5 The admission procedures for pupils deleted from the school roll and without a school place in the circumstances described in *Section 9* are outlined in **Appendix 7**. In all cases the Admissions/Withdrawals form must be completed. ***It is essential that the Local Authority is made aware of all cases in which families have approached the school for places for their children.***

3.6 Unless otherwise stated, actions detailed are those to be taken by the school.

#### **4. Monitoring Holiday and Extended Absence: Individual Pupil Records**

4.1 An example of a form, which can be used by schools to record and monitor the absence of individual pupils, is included in **Appendix 8**.

4.2 Information on extended absence of individual pupils may be needed as part of the assessment of pupils with special educational needs and is good practice in reviewing the progress of all pupils because of the link between attendance and attainment

#### **5. Absence Coding, Data Collection and Analysis**

5.1 For the purposes of registration codes, leave in term time granted in exceptional circumstances continues to be coded as 'H' (up to 10 days) and counts as authorised absence.

5.2 Where leave in term time has not been agreed or days are taken in excess of an agreement, it should be coded 'G' and count as ***unauthorised*** absence.

5.3 If the Head Teacher considers there are exceptional circumstances why a pupil should be granted approval for leave in excess of the 10 school days it is to be coded 'F' and count as authorised absence, i.e. first 10 school days as H and ***then F***.

#### **6. Sharing the school's term time procedures based on the guidelines with parents/carers**

6.1 For the school's procedures to be effective and lawful, it is essential that schools share with parents the expectations and procedures outlined in this document. The letter '***Leave in Term Time - A very important message for all parents***' (**Appendix 3**) should be sent out to parents to inform them of the changes to the regulations. Schools should also consider:

- including the procedure in their Attendance Policy
- a guidance leaflet for parents
- holding meetings for parents specifically in relation to their procedure
- using new intake evenings and parents' evenings to share information with parents.

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- 6.2 Schools should give a clear and consistent message to parents/carers that taking children out of school during term time without authorisation from the Head Teacher is not allowed, nor in the best interests of their child's educational progress or attainment.
- 6.3 Parents should be informed that pupils with 85% or less attendance from September to the Easter school holidays are counted by the Government as persistent absentees and that their attendance must be monitored closely by the school.

## **7. Pupil Attendance - Implications for Ofsted**

- 7.1 The 2009 Ofsted framework focussed Inspectors on issues relating to persistent absence data and overall absence data, not unauthorised absence as in previous Ofsted frameworks.
- 7.2 In August 2011, The 'Inspecting Attendance: Guidance for Inspectors' stated: "Effectiveness should be judged in terms of the reduction of both overall and persistent absence and ***not in terms of conversion from unauthorised absence to authorised absence.***"
- 7.3 The 2012 Ofsted Framework continues the emphasis on persistent absence and overall absence. The evaluation schedule for the inspection of maintained schools and academies (Guidance and grade descriptors for inspecting schools in England under section 5 of the Education Act 2005, from January 2012) identifies the areas regarding attendance as...
- the number of pupils taken off roll in the last year as a result of factors related to behaviour, safety and attendance
  - overall and persistent absence and attendance rates for different groups, using data in RAISEonline and the school's own data;
  - punctuality over time, in arriving at school and at lessons
- 7.4 Ofsted Inspectors have clear guidance in relation to inspecting absence data in schools. Initially they will look at the data on RAISEonline, which does not include any unauthorised absence data. Inspectors should not focus on unauthorised absence, but have criticised schools who have not prosecuted parents whose children have a large amount of unauthorised absence.
- 7.5 The use of code G (family holiday NOT agreed or days in excess of agreement) has risen in use in recent years as schools have adopted rigorous policies, including 'zero tolerance' policies in relation to term time holidays. It is likely that the DfE and Ofsted will have anticipated an increase in unauthorised absence as a result of the amended regulation.

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## 8 **Penalty Notices**

- 8.1 Birmingham Education Welfare Service has developed a procedure to enable schools to collect evidence when parents have taken their children out of school for unauthorised term time leave. This may result in the issuing of penalty notices and/or lead to legal action being taken.
- 8.2 The procedure may not be used where Head teachers have authorised any of the leave or where the 'removal from roll' procedures are followed.
- 8.3 Before the procedure may be used, parents/carers must already have been informed of the expectations and procedures outlined in this document. This can be accomplished by sending the letter 'Leave in Term Time - A very important message for all parents' (**Appendix 3**) to all parents/carers.
- 8.4 The Timeline for the procedure can be found in **Appendix 2**. Letters 3 and 4 in **Appendix 6** should be used as part of the procedure.
- 8.5 **Additional letters to complete the procedure (sample letters are contained in Appendix 2 together with the timeline) and further guidance can be obtained by contacting the Birmingham Education Welfare Service, Court Section on:**

[ewsheadofficeadministration@birmingham.gov.uk](mailto:ewsheadofficeadministration@birmingham.gov.uk)

## 9. **Taking Pupils Off Roll**

- 9.1 The Education (Pupil Registration) (England) Regulations 2006 prescribe the grounds on which the name of a pupil of compulsory school age can be taken off a school's admission register. Head Teachers need to be clear that if a case does not fit within these criteria, the school has no lawful authority to remove the pupil's name from the register. **A deletion outside of the regulations is an offence.** Instead, an unauthorised absence mark should be used for any further or unexpected absence.
- 9.2 Pupils with a Special Educational Needs Statement may not be removed from roll under these regulations without the permission of the Local Authority. Please refer to SENAR for further guidance.
- 9.3 ***For safeguarding reasons, pupils who are the subject of a child protection plan should not be removed from roll under these regulations, without consultation with the allocated social worker. The social worker should be immediately notified of any absence from school. Where a family is working with the Family Support and Safeguarding team, schools should discuss any proposed removal from roll with the allocated worker prior to deletion.***
- 9.4 With regard to reducing absence during term time, the two most common grounds are Regulation 8(1)(f) and 8(1)(h):

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## 9.5 Deletions from Admission Register

9.5.1 The following are prescribed under the regulations as the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register—

9.5.2 Before a pupil can be deleted from the register under regulation 8(1)(f) (***in the case of a pupil granted leave of absence exceeding ten school days for the purpose of a holiday***) the following conditions must be satisfied:

- the pupil must have been granted leave
- that agreed leave must exceed 10 school days
- the pupil must have failed to attend within ten school days following the expiry of the period during which leave was granted
- the proprietors (Head Teachers), or governors, must be satisfied that the pupil is not unable to attend because of sickness or unavoidable absence by making reasonable enquiry
- both the proprietor and the Local Authority have failed after reasonable enquiry to locate the pupil.

9.5.3 Before a pupil can be deleted from the register under regulation 8(1)(h) ) (***In the case of a pupil not granted leave***) the following conditions must be satisfied:

- at no time was the absence authorised by the proprietor
- the pupil has been continuously absent from school for a period of not less than twenty school days
- the proprietors (Head Teacher), or governors, must be satisfied that the pupil is not unable to attend because of sickness or unavoidable absence by making reasonable enquiry
- both the proprietor and the Local Authority have failed after reasonable enquiry to locate the pupil

## 9.6 Procedures

9.6.1 **Where a Head Teacher agrees for a pupil to have more than 10 school days leave i.e. 11 or more days (Head teachers are strongly advised not to grant leave of more than 10 days)**, and does not return to school on the agreed date the school should immediately contact/write to the parent(s) to ascertain the reason for non-return. If there is no response from parents or the reasons given are unacceptable, the parent(s) must be advised that the pupil may lose his/her place; that the absences will be unauthorised (use code G). The school and then the Children Missing Education Team (CME Team) will make **reasonable enquiries** \* within 10 school days to ascertain the whereabouts of the pupil before de-registration is considered. The further period of 10 school days will be coded 'G' and count as unauthorised absence

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for example where the Head Teacher authorised 12 school days of leave, de-registration would not take place until the 23<sup>rd</sup> school day of absence.

*(Pupils cannot be lawfully removed from the school register until a further 10 school days of continuous unauthorised absence after the agreed date and only once reasonable enquiries have been made by the school and LA to ascertain the whereabouts of the child.)*

**9.6.2 Where a Head Teacher agrees for a pupil to have between 1 and 10 school days leave** and where the pupil does not return to school on the agreed date, the school should immediately contact/write to the parent(s) to ascertain the reason for non-return. If there is no response from the parents or the reasons given are unacceptable, the parent(s) must be advised in writing that the pupil may lose his/her place; and that the absences will be unauthorised using code G. The school and then the Children Missing Education Team (CME Team) will make **reasonable enquiries** \* within 10 school days to attempt to ascertain the whereabouts of the pupil before de-registration is considered. If the pupil hasn't returned after 20 school days of continuous unauthorised absence (which began the day after the last day of authorised absence) de-registration could take place on the 21<sup>st</sup> day of unauthorised absence.

***(Pupils cannot lawfully be removed from the school register until 20 school days continuous unauthorised absence after the agreed return date and only once reasonable enquiries have been made by the school and LA to ascertain the whereabouts of the child)***

**9.6.3 Where a Head teacher has not granted the pupil any leave**, and the school suspects that the parents may have taken their child on unauthorised term time leave, the school should immediately contact/write to the parent(s) to ascertain the reason for absence. The parent(s) must be advised that the pupil may lose his/her place, that the absence will be unauthorised (use code G) and that the Local Authority may issue a penalty notice. The school and then the Children Missing Education Team (CME Team) will make **reasonable enquiries** \* within 10 school days to ascertain the whereabouts of the pupil before de-registration is considered. If the pupil hasn't returned after 20 school days of continuous unauthorised absence, then de-registration could take place on the 21<sup>st</sup> day of unauthorised absence.

***(Pupils cannot lawfully be removed from the school register until 20 school days continuous unauthorised absence after the agreed return date and only once reasonable enquiries have been made by the school and LA to ascertain the whereabouts of the child)***

**9.6.4** Parents/carers must be informed in writing during the initial application for leave that they may lose their child's school place if they do not return when agreed.

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9.6.5 Parents contacting the school to request additional leave must have their request considered on an individual basis.

9.6.6 Where a pupil's return is later than agreed and the pupil is removed from roll, schools may require parents to re-apply for their child's place and be interviewed by the Head Teacher.

## 9.7 Local Authority Ombudsman decision

9.7.1 Following a Local Authority Ombudsman decision, where a pupil takes unauthorised leave in term time (without Head Teachers authorisation) and does not return to school within 20 school days, the pupil may be deleted from the school register on the 21st day only once reasonable enquiries have been made by the school and then the LA to ascertain the whereabouts of the child. **However, the school must have already made the potential consequences of a failure to return clear to parents in the first instance.**

## 9.8 Legal case

9.8.1 In a court case dealing with these issues the judge stated:  
***“The statutory scheme contained within reg 9(1)(e) cannot operate unless it is possible clearly to identify the period of leave and the period of grace. Thus it is of great importance that the period of leave should be specific and should refer to identified dates. There should be no assumed grant of leave because those periods must be carefully identified. Further, it is important that parents know of the defined period of grace and should be warned of the consequence of failure to return within that period. “***

9.8.2 Schools should also refer the family to School Admissions and Pupil Placements should the parents arrive at the school requesting a school place for their child/ren following de-registration.

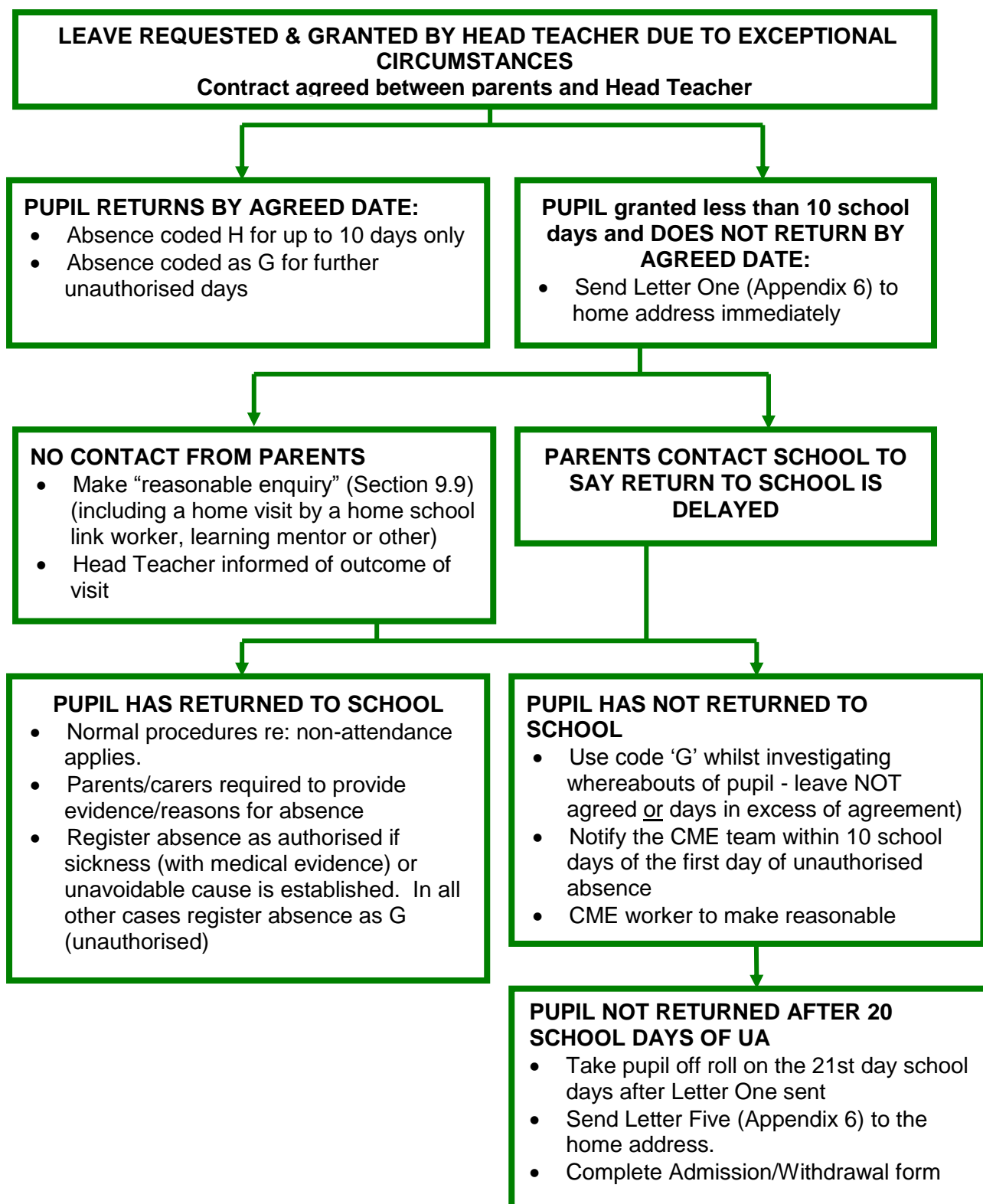
## 9.9 \* ‘Reasonable Enquiry’ (for schools):

- check with all members of staff who the pupil may have had contact with.
- check with the pupil's friends, siblings and known relatives at this school or other schools.
- make telephone calls to any numbers held or identified.
- send a letter to the last known address and record the outcome.
- undertake a home visit

***You must share this information with the CME Team before deletion from roll so that the LA has the opportunity to make its own reasonable enquiries under the regulations before deletion takes place***

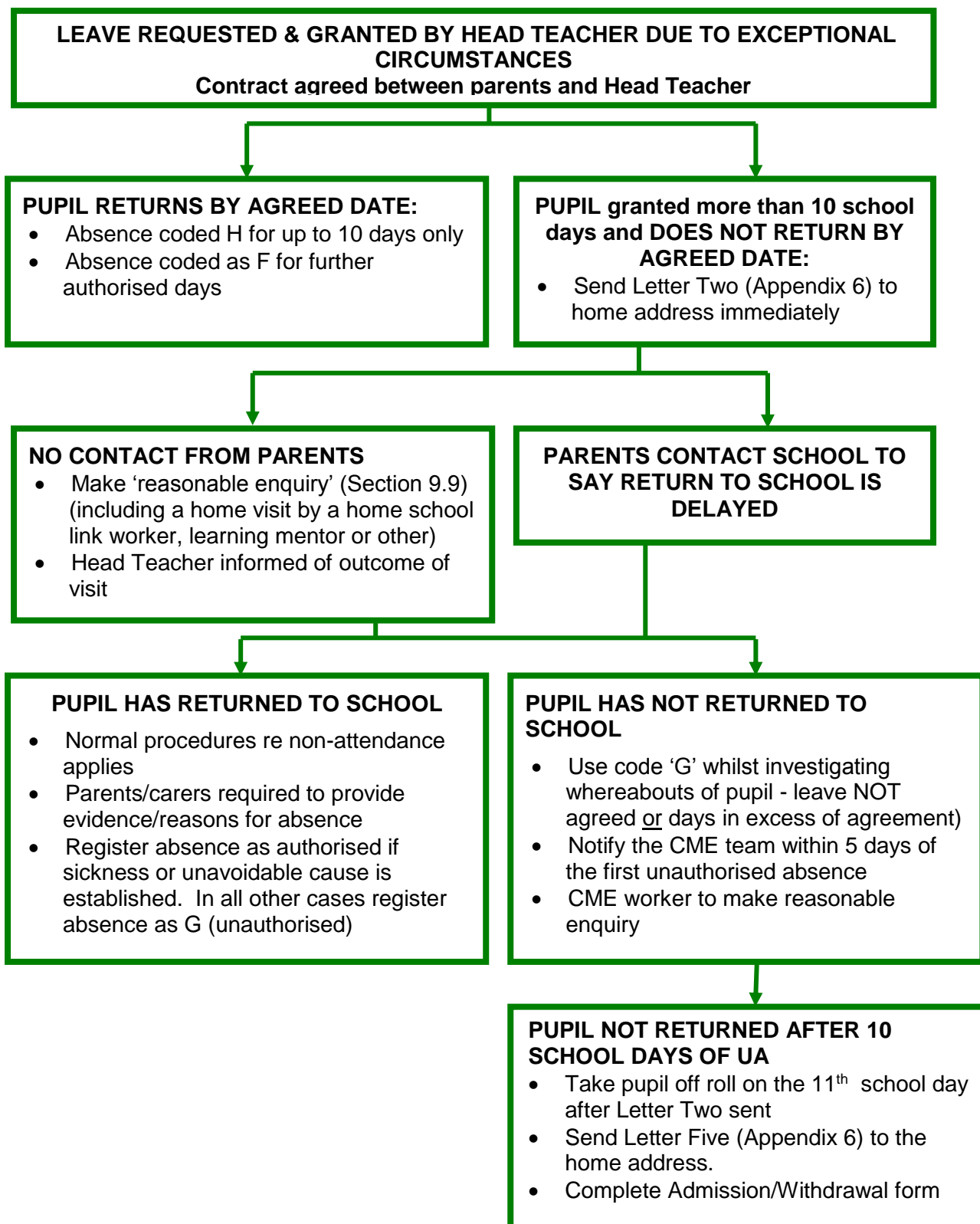
## Appendix 1 : Absence during term time procedures (a)

### Written Contract Agreed Prior to Departure (granted less than 10 days leave)

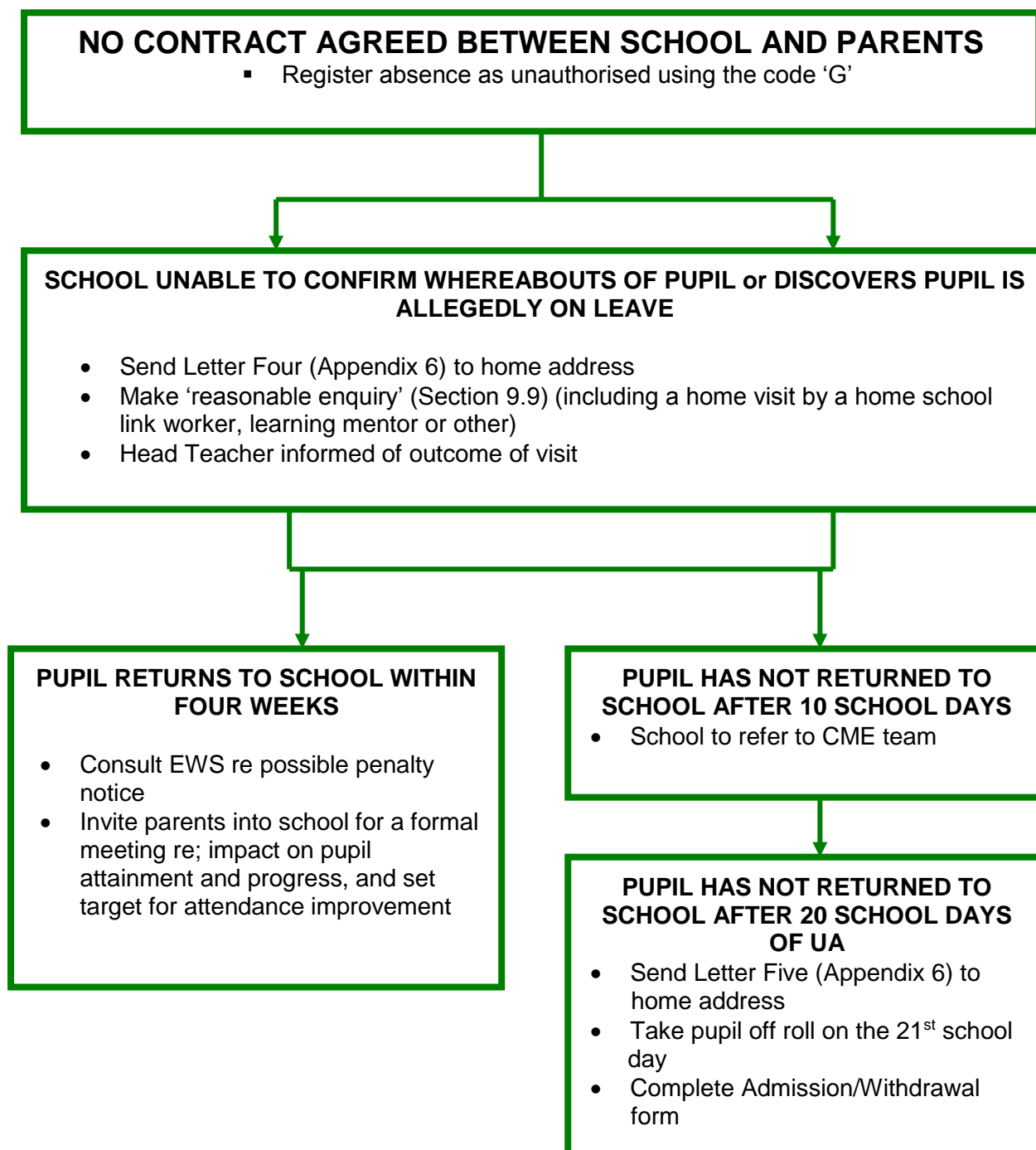




Written Contract Agreed Prior to Departure (granted more than 10 days leave)



**No Leave or Contract Agreed (if leave was requested but declined please send Letter Three)**



## Appendix 2: Penalty Notice flow chart (sample)

### Excludes Weekends and School Holidays

School to send 'Whole School Letter' to all parent/carer/s.  
Record all leave in term time with the 'G' code if a request or notification from parent has been received and not authorised

When parent/s request leave in term time:  
School to give parent/s a 'Leave of Absence Request Form' to complete and a copy of 'Leave in Term Time Guidance for Parents' sheet

Parents to complete 'Leave of Absence Request Form' and return it to School

If reasons supplied are not deemed exceptional circumstances:  
Head Teacher to complete a 'Request Denied Letter' and send it to each parent with a copy of the completed 'Leave of Absence Request Form'

DLP to send DLP Letter1 to each parent and enclose a copy of HT Request Denied letter, Leave of Absence Request Form and Leave in Term Time Guidance for parents sheet

Pupil with previous UA prior to the G coded period

Pupil with no UA prior to the G coded period

After 5 school days of G coding

After 10 school days of G coding

6<sup>th</sup> school day

Child has more than 10 sessions of UA in the previous 12 months on 6<sup>th</sup> school day of unauthorised leave  
DLP to send DLP Letter2(b) to each parent

11<sup>th</sup> School day

Child has not returned to School on 11<sup>th</sup> school day of unauthorised absence leave  
DLP to send DLP letter2(a) to each parent

After 10 school days of G coding

After 15 school days of G coding

11<sup>th</sup> school day

Child not returned to school on 11<sup>th</sup> school unauthorised leave DLP to send DLP Letter3 to each parent

16<sup>th</sup> School day

Child not returned to school on 16<sup>th</sup> school day of unauthorised leave DLP to send DLP Letter3 to each parent

After 10 continuous school days of unauthorised leave DLP to: request PN send Family Information Sheet, Attendance Printout and exhibits to Court Section

After 15 continuous school days of unauthorised leave DLP to: request PN, send Family Information Sheet, Attendance Printout and exhibits to Court Section

## Appendix 2: Letter to parent (legal responsibility)

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«ParentTitle» «ParentFirstName» «ParentLastName»  
«AddressLine1»  
«AddressLine2»  
«City»  
«PostCode»

Dear «ParentTitle» «ParentLastName»

I understand that you intend to take name of «ChildFirstName» «ChildLastName», «ChildDOB» on leave during term time without the authorisation of the Head Teacher. You were informed that any leave during term time would only be authorised in exceptional circumstances. Please see enclosed Head Teacher's letter of refusal which was sent to you recently.

If you now take your child out of school it will be recorded as unauthorised absence. This is in line with the Birmingham Local Authority 'Leave in Term Time Guidance', a copy of which you can request to see at School. Please understand that this may lead to the issuing of a penalty notice and legal action being taken.

Frequent absence can add up to a considerable amount of lost learning and can seriously disadvantage your child in adult life. Good attendance will ensure that your child can reach their full potential. Absence disrupts the education of the individual pupil and the whole class. Children who do not attend regularly do not achieve well in exams and find it difficult to maintain friendships.

***I have to advise you as a parent/carer of a child of statutory school age, you have a legal responsibility to ensure full time education suitable to the child's age, ability and aptitude and any special educational needs the child may have, either by regular attendance at school or otherwise (Education Act 1996 Section 444).***

If you wish to discuss this matter further, please contact me on the number below. If you call and I am not available, please leave a message and telephone number.

Yours sincerely,

«School\_Representative»  
Job Title

Enclosures:  
copy of Leave of Absence Request Form and Head Teacher Letter of Refusal

### Legal Guidance for parents

It is essential for children to be in school regularly to benefit fully from their educational opportunities. Good attendance will ensure that children can reach their full potential. To achieve this, children need to attend school every day. We are sure you would not jeopardise your children's academic progress by taking them away during term time.

The importance of school attendance is such the law has now changed and Head teachers may now only grant leave in term time where the circumstances are exceptional. This is in line with Birmingham Local Authority's 'Leave in term Time Guidance' and the 2013 Amendment to the Education (Pupil Registration) (England) Regulations.

For example:

- death of parent/carer or sibling of the pupil
- life threatening or critical illness of parent or sibling of the pupil
- parent/carer recuperation and convalescence from critical illness or surgery (leave request to be made within 6 months of recovery and medical evidence required)

Family emergencies need careful consideration. It is not always in the best interest of the child; nor appropriate for them to miss school for family emergencies that are being dealt with by adult family members. Being at school, friendships and support from staff can provide children with stability and care during difficult times. The routine of school can provide a safe and familiar background during times of uncertainty.

If you have exceptional circumstances which have led you to request leave in term time for your child/ren, please complete the required form, which you can obtain from School. The Head Teacher will then make a decision on whether or not the leave can be lawfully authorised and will do so only if there is a genuine, exceptional and urgent reason for a child to be absent during term time.

If a child is taken out of school without the Head Teachers authorisation, it will be recorded as unauthorised absence. This may lead to the issuing of a penalty notice and legal action being taken.

#### **Section 23(1) Anti-Social Behaviour Act 2007:**

Penalty notices may be issued to the parent of pupils who have unauthorised absence from school. The amount of the penalty is £60.

- If this is not paid within 21 days the amount rises to £120.
- If not paid within 28 days the Local Authority will prosecute under section 444(1) unless it comes to our attention that the penalty notice had been issued in error.

#### **Section 444(1) Education Act 1996:**

"If you are the parent of a child of compulsory school age who fails to attend school regularly, you are guilty of an offence."

The court can fine each parent up to £1,000 per child, order payment of the prosecution costs and/or make a Parenting Order.

#### **Please note that:**

- penalties and prosecutions are in respect of each parent for each child.
- 'Parent' includes any person who is not a parent of the child but who has parental responsibility for the child (and applies whether or not that person lives with the child) or who has care of him/her.

**These prosecutions are criminal proceedings and could result in you having a criminal record.**

School logo

## ***Leave in Term Time***

### ***A very important message for all parents***

Insert Date

Dear Parent,

We are writing to inform you that a 2013 amendment to The Education (Pupil Registration) (England) Regulations 2006, means that Head Teachers may no longer authorise leave during term time except where the circumstances are exceptional. This is also in accordance with Birmingham Local Authority's 'Leave in Term Time Guidance'. If your child takes leave that has not been authorised by the Head Teacher, it will result in the absence being recorded as unauthorised. Please understand that this may lead to the issuing of a penalty notice and legal action being taken or your child losing their school place.

If you are issued with a penalty notice, each parent will be fined a minimum of £60 or £120 depending on how soon payment is made. If that fine is not paid, you may be required to attend Court and this could result in a fine for each parent of up to £1000 per child.

#### **Being taken to Court could result in you having a criminal record.**

If a pupil takes unauthorised leave in term time without the Head Teacher's permission, and does not return to school within 20 school days, the pupil may be deleted from the school register on the 21st day i.e. *they will no longer have a place at this school.*

Family emergencies need careful consideration. It is not always appropriate or in the best interests of the child to miss school for emergencies which are being dealt with by adult family members. Being at school, friendship with peers and support from staff can provide children with stability. The routine of school offers a safe and familiar background during times of uncertainty.

If you believe there is an exceptional and urgent reason for your child to take leave during term time, please complete the required form which you can obtain from the School. It is the Head Teacher who will then make a decision on whether or not the leave can be authorised. For example:

- death of parent/carer or sibling of the pupil
- life threatening or critical illness of parent or sibling of the pupil
- parent/carer recuperation and convalescence from critical illness or surgery (leave request to be made within 6 months of recovery and medical evidence required)

### Appendix 3: (continued)

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We are grateful for the support we receive from parents and good attendance will ensure that your child can reach his/her full potential. To achieve this, your child needs to attend school every day.

#### How does your child compare?

Attendance during one school year	equals this number of days absent	which is approximately this many weeks absent	which means this number of lessons missed
90%	19 days	4 weeks	100 lessons
80%	38 days	8 weeks	200 lessons
70%	57 days	11.5 weeks	290 lessons

**Frequent absence can add up to a considerable amount of lost learning and can seriously disadvantage your child in adult life.**

Yours sincerely

Head Teacher

## Appendix 4: Exceptional Circumstances – Leave in Term Time Request

### EXCEPTIONAL CIRCUMSTANCES - LEAVE IN TERM TIME REQUEST

Pupil's Name ..... D.O.B ..... Form .....

Pupil's Name ..... D.O.B ..... Form .....

I request permission for the above named pupil(s) to be granted leave during the school term.

Reason for request

.....  
 .....  
 .....

#### Dates of Absence

From ..... To ..... No of school days .....

I/We understand that if leave is agreed:

- if travelling abroad, I / we will supply a copy of the return travel documentation.
- I / we will supply the name and phone number of a contact person whilst abroad.
- if I / we do not return at the agreed time; I / we am / are aware that I / we may be issued with a penalty notice, and could be fined £60 or £120 depending on how soon payment is made. If I do not pay the fine, I / we could then be required to attend Court; this could result in a fine of up to £1000 per child and having a criminal record.
- after four weeks of absence my / our child/ren may be removed from the school register and I / we will then be responsible for finding a new school on my / our return.

<p><b>Parent/Carer Name</b>                  .....</p> <p><b>DOB</b>.....</p> <p><b>Address</b>.....                  .....</p> <p><b>Signature</b>.....</p> <p><b>Date</b>.....</p>	<p><b>Parent/Carer Name</b>                  .....</p> <p><b>DOB</b>.....</p> <p><b>Address</b>.....                  .....</p> <p><b>Signature</b>.....</p> <p><b>Date</b>.....</p>
--	--

Request **agreed / denied**

Signed ..... Head Teacher

Dated .....



## Appendix 5: Home-School Contract

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Home School Contract

School logo

For Pupil Leave of Absence in Term Time

### **This contract is an agreement between**

The Parents/Carer of .....and the school.

We have agreed that ..... will be absent from school

from (date).....to (date).....

The absence needs to take place at this time because .....

.....

He/she will return to school on or before .....

It is understood that if he/she does not return by the agreed date that a) the Local Authority may issue a Penalty Notice to each parent for each absent child and b) there may no longer be a place for him/her at the school and he/she may be removed from the school register, in accordance with the Birmingham Local Authority's 'Leave in Term Time Guidance'.

Parent's/Carer's signature: .....

Head teacher's signature: .....

Date: .....

## Appendix 6: Letter One

**Where a period of between 1 and 10 school days has been granted and the child has not returned as agreed.**

---

Insert date

«ParentTitle» «ParentFirstName» «ParentLastName»  
«AddressLine1»  
«AddressLine2»  
«City»  
«PostCode»

Dear «ParentTitle» «ParentLastName»

**Re: «ChildFirstName» «ChildLastName» - D.O.B. «ChildDOB»**  
**Yr «YearGroup» at «SchoolName»**

Dear:

Your child ..... has now been absent from school for .....school days. As part of the contract for leave in term time, you agreed that your child would return to school on ..... As this date has now passed and your child has not returned, I need to inform you that if your child has not returned to school before .....(i.e. 20 school days after the agreed return date\* ***delete before letter is printed***), we may remove him/her from the school register. **This means your child would not have a place at this school.** The absence after the return date is unauthorised.

This course of action is in accordance with Birmingham Local Authority's 'Leave in Term Time Guidance'.

Please contact me as soon as you return.

Yours sincerely

Head Teacher

## Appendix 6: Letter Two

**Where a period of more than 10 school days has been granted and the child has not returned as agreed.**

---

Insert date

«ParentTitle» «ParentFirstName» «ParentLastName»  
«AddressLine1»  
«AddressLine2»  
«City»  
«PostCode»

Dear «ParentTitle» «ParentLastName»

**Re: «ChildFirstName» «ChildLastName» - D.O.B. «ChildDOB»**  
**Yr «YearGroup» at «SchoolName»**

Dear:

Your child ..... has now been absent from school for .....school days. As part of the contract for leave in term time, you agreed that your child would return to school on ..... As this date has now passed and your child has not returned, I need to inform you that if your child has not returned to school before .....(i.e. 10 school days after the agreed return date\* ***delete before letter is printed***), we may remove him/her from the school register. **This means your child would not have a place at this school.** The absence after the return date is unauthorised.

This course of action is in accordance with Birmingham Local Authority's 'Leave in Term Time Guidance'.

Please contact me as soon as you return.

Yours sincerely

Head Teacher

## Appendix 6: Letter Three

### Where the request from parents/carers has been considered but not granted.

---

Insert date

«ParentTitle» «ParentFirstName» «ParentLastName»  
«AddressLine1»  
«AddressLine2»  
«City»  
«PostCode»

Dear «ParentTitle» «ParentLastName»

**Re: «ChildFirstName» «ChildLastName» - D.O.B. «ChildDOB»  
Yr «YearGroup» at «SchoolName»**

Dear

I am unable to grant your request for your child/ren named above to be absent from school due to leave during term time.

I assure you that I have made this decision with the best interests of your child/ren in mind. I will not authorise this absence.

The importance of school attendance is such that leave of this kind will only be granted where the circumstances are exceptional. This is in accordance with Birmingham Local Authority's 'Leave in Term Time Guidance' and a 2013 amendment to The Education (Pupil Registration) (England) Regulations 2006.

If you now take your child out of school it will be recorded as unauthorised absence. Please understand that this may lead to the issuing of a penalty notice and legal action being taken.

In addition, if a pupil takes unauthorised leave in term time without the Head Teacher's authorisation, and does not return to school within 20 school days the pupil may be deleted from the school register on the 21st day. **This means your child would not have a place at this School.**

It is essential for your child/ren to be in school regularly to benefit fully from their educational opportunities. Good attendance will ensure that your child can reach his/her full potential. To achieve this, your child needs to attend school every day.

We are sure you would not wish to jeopardise your child's academic progress by taking them away at this time.

Yours sincerely

Head Teacher

Enclosure: copy of 'Leave of Absence Request Form'

**Appendix 6: Letter Four:**

**Where you believe that the parents has taken their child on unauthorised leave and where no contract has been agreed.**

---

Insert date

«ParentTitle» «ParentFirstName» «ParentLastName»  
«AddressLine1»  
«AddressLine2»  
«City»  
«PostCode»

Dear «ParentTitle» «ParentLastName»

**Re: «ChildFirstName» «ChildLastName» - D.O.B. «ChildDOB»  
Yr «YearGroup» at «SchoolName»**

Dear:

Your child ..... has been absent from school for ..... school days. I understand that you may have taken your child on leave in term time without authorisation from the Head Teacher. I need to inform you that if your child has not returned to school before ..... (i.e. 20 school days after your child's last day of attendance at school) we may remove him/her from the school register. **This means your child would not have a place at this school.**

As the absence is unauthorised, the Local Authority may decide to issue a penalty notice to each parent for each absent child. This is in accordance with Birmingham Local Authority's 'Leave in Term Time Guidance'. Please contact me as soon as you return.

Yours sincerely

Head Teacher

## Appendix 6: Letter Five

### Where a pupil has been removed from roll following reasonable enquiry including Letters 1, 2 or 4

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Insert date

«ParentTitle» «ParentFirstName» «ParentLastName»  
«AddressLine1»  
«AddressLine2»  
«City»  
«PostCode»

Dear «ParentTitle» «ParentLastName»

**Re: «ChildFirstName» «ChildLastName» - D.O.B. «ChildDOB»**  
**Yr «YearGroup» at «SchoolName»**

Dear

Your child ..... has now been absent for  
..... school days.

Following my letter dated ....., and is in accordance with Birmingham Local Authority's 'Leave in Term Time Guidance', we have removed your child from the School roll.

**This means that your child no longer has a place at this school.**

You will now need to contact the school and/or School Admissions and Pupil Placements Service to arrange the future education of your child. The School Admissions and Pupil Placements Service address, telephone number and opening hours are as follows:

School Admissions and Pupil Placements  
PO Box 16513,  
Birmingham,  
B2 2FF

Tel: (0121) 303 1888

I hope this is helpful to you.

Yours sincerely

Head Teacher

## PROCEDURES FOR PRIMARY SCHOOLS

### **COMMUNITY & VOLUNTARY CONTROLLED PRIMARY SCHOOLS (from September 2013)**

- If unable to offer school place, advise parents of right to appeal and to contact School Admissions and Pupil Placements Service.
- Notify the School Admissions and Pupil Placements Service of the outcome of the application

### **VOLUNTARY AIDED / FOUNDATION / FREE schools and ACADEMIES**

- If unable to offer school place, advise parents of right to appeal and to contact School Admissions and Pupil Placements Service.
- Notify the School Admissions and Pupil Placements Service of the outcome of the application

**PLEASE NOTE: IT IS ESSENTIAL FOR SAFEGUARDING REASONS THAT THE L.A. IS NOTIFIED OF ANY CHILD IN THE AUTHORITY WITHOUT A SCHOOL PLACE via the School Admissions and Pupil Placements Service**

## PROCEDURES FOR SECONDARY SCHOOLS

### **COMMUNITY & VOLUNTARY CONTROLLED PRIMARY SCHOOLS (from September 2013)**

- If unable to offer school place, advise parents of right to appeal and to contact School Admissions and Pupil Placements Service.
- Notify the School Admissions and Pupil Placements Service of the outcome of the application

### **VOLUNTARY AIDED / FOUNDATION / FREE schools and ACADEMIES**

- If unable to offer school place, advise parents of their right to appeal and to contact School Admissions and Pupil Placements Service.
- Complete final section of Admissions/Withdrawals form.

**PLEASE NOTE: IT IS ESSENTIAL FOR SAFEGUARDING REASONS THAT THE L.A. IS NOTIFIED OF ANY CHILD IN THE AUTHORITY WITHOUT A SCHOOL PLACE via the School Admissions and Pupil Placements Service**



## Appendix 8: Record of leave taken during term time (Primary)

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### Record of leave taken during term time (Primary)

Pupils Name: \_\_\_\_\_ UPN \_\_\_\_\_

Please enter the date of final attendance before departure on visit overseas and date of return.

	<b>Autumn</b>	<b>Spring</b>	<b>Summer</b>
<b>Nursery</b>			
<b>Reception</b>			
<b>Year 1</b>			
<b>Year 2</b>			
<b>Year 3</b>			
<b>Year 4</b>			
<b>Year 5</b>			
<b>Year 6</b>			

School Name \_\_\_\_\_

## Appendix 8: Record of leave taken during term time (Secondary)

---

### Record of leave taken during term time

Pupils Name: \_\_\_\_\_ UPN \_\_\_\_\_

Please enter the date of final attendance before departure on visit overseas and date of return.

	<b>Autumn</b>	<b>Spring</b>	<b>Summer</b>
<b>Year 7</b>			
<b>Year 8</b>			
<b>Year 9</b>			
<b>Year 10</b>			
<b>Year 11</b>			

School Name \_\_\_\_\_