

Our ref: CYP/DW/EM
Your ref:
Please contact:
Telephone: 01422 392500
E-mail: Stuart.smith@calderdale.gov.uk

Date:

Children and Young People's Services
Northgate House
Northgate
Halifax
HX1 1UN

Dear Parent/Carer

IMPORTANT GOVERNMENT CHANGES TO LEGISLATION REGARDING LEAVE OF ABSENCE FROM SCHOOL DURING TERM TIME

The Department for Education requires Local Authorities to implement government amendments to the regulations regarding the taking of Leave of Absence in term time, which came into force on the 1st September 2013. The new law gives no entitlement to parent/carers to take their child on holiday during term time.

Headteachers would not be expected to class any term time holiday as exceptional. Therefore headteachers will only be able to grant Leave of Absence in exceptional circumstances and this will still be at their discretion.

No parent/carers can demand Leave of Absence as a right.

The Education Regulations state that applications must be made in writing in advance by the parent/carers with whom the child lives and can only be authorised by the headteacher in exceptional circumstances.

If a Leave of Absence request is submitted either by letter or using the school request form, it will be considered individually by the headteacher who will take into account information provided by the family.

The following are examples of the criteria for Leave of Absence, which may be considered as 'exceptional':

- Service personnel returning from active deployment
- Where inflexibility of the parents/carers leave or working arrangement is part of the organisational or company policy. This would need to be evidenced by the production or confirmation from the organisation/company
- Where leave is recommended as part of a parents/carers or child's rehabilitation from medical or emotional problems. Evidence must be provided
- When a family needs to spend time together to support each other during or after a crisis

Please note: the ability to access a reduced cost of a holiday does not constitute an exceptional circumstance

Stuart Smith
Director of Children and Young People's Services

Leave is only acceptable in exceptional circumstances and should not be granted only on the basis of attendance record, academic performance or the 'experience' offered by being out of school. Where a headteacher feels that there may be exceptional circumstances, which does not fit the criteria, they may refer to the Local Authority for advice. The decision of the headteacher is, however, final.

Where a child is taken out of school for the purpose of Leave of Absence in term time without the permission of the school, the absence will be coded as unauthorised and as such may result in a Penalty Notice. A Penalty Notice can be issued to both parents/carers of each child. Penalty Notices are applied by the Local Authority, in consultation with the school. If a Penalty Notice is not paid the matter may be taken to prosecution in the Magistrates Court.

Amendments to 2007 Penalty Notice regulations reduce the timescales for payment. On receipt of a Penalty Notice a parent/carer will be required to pay the sum of £60 provided the payment is made within 21 days. The Penalty will increase to £120 if paid after 21 days but within 28 days.

Whilst this letter explains changes arising nationally, I must reiterate that taking a pupil on leave during term time interrupts their learning which can disrupt your child's educational progress.

Yours sincerely

Stuart Smith

Director of Children and Young Peoples Services