Directorate of Children and Families

Leave of Absence (Holiday) Policy

this is Redcar & Cleveland

Document Control

Ownership & Review

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Holidays in term time can damage a child's education and future life prospects, particularly for those pupils with existing attendance problems, struggling with education or being absent at critical times in the school year. The Redcar and Cleveland Children and Families Services are committed to working in partnership with schools and families to ensure regular school attendance and to reduce term time holidays.

The Isle of Wight Council v Platt case (*'Isle of Wight Council v Platt (2017) UKSC 28'*) considered by the Supreme Court makes it clear that regular school attendance shall mean attendance in accordance with the school rules. Therefore, any non-attendance which is not in accordance with the school rules will be deemed unauthorised and it would therefore be appropriate to issue a penalty notice.

The Education (Pupil Registration) (England) Regulations 2006 previously enabled the Head Teacher to grant leave of absence for the purpose of a holiday, as long as the request for leave of absence was made in advance and that there were special circumstances for granting the leave, however, these regulations have been amended by regulations of the same name which came into force on 1st September 2013. These regulations remove all references for holidays and the ability to authorise up to 10 school days of leave, so that leave of absence is only granted where a request is made **in advance** and the leave is classed **as exceptional circumstances.** There is no statutory definition of what is classed as an exceptional circumstance, and it is at the discretion of the Head Teacher.

The Government, the Local Authority and the schools acknowledge the financial and work pressures some families are subject to and in exceptional circumstances are prepared to authorise term time leave of absence. Most parents acknowledge the need for these absences to be managed carefully to avoid having a detrimental effect on their child's education and do co-operate with the schools, however, a significant minority of parents take their children out of school without authority.

The government has introduced legislation allowing the Local Authority to issue penalty notices to parents who fail to ensure their children attend.
Penalty Notices must be issued in line with the Education (Penalty Notices) (England) Regulations 2007, as amended and they must be issued in line with Redcar and Cleveland Borough Council's Code of Conduct.

Usually, Penalty Notices should only be issued to the parent or parents who have allowed the absences.

The meaning of parent in relation to a child includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996.

All schools within Redcar and Cleveland are encouraged to adopt a common leave of absence policy to ensure legal compliance.

- Parents should provide at least 4 school weeks advance notice in writing of any planned absence; the Head Teacher has the discretion to authorise leave of absence in exceptional circumstances.
- The Local Authority may consider taking further action when unauthorised leave of absence is taken at the following critical times and circumstances, **if deemed to be in the public interest.**

a) Where there are 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period.
b) At any time during formal external examination and assessment periods, including preparation time (school to provide evidence to support).

The above is a non-exhaustive list and the local authority retain the discretion to issue a penalty notice before the threshold is met.
The school should publish the formal leave of absence (holiday) policy on an annual basis to all parents. Leave of absence taken without approval for the purposes of a holiday will be recorded as an unauthorised holiday absence (code G).

When the Head Teacher has decided not to authorise a leave of absence in accordance with the policy, they may make a referral to the Attendance & Welfare Service.
The school must write to parents to inform them of their decision regarding the absence and should do this in a timely manner (usually within 4 school weeks of being made aware of the leave). The Head Teacher has the discretion to authorise leave of absence in exceptional circumstances.

After consultation with the Senior Attendance and Welfare Officer or the Lead for Inclusion the service will issue, at the request of the Head Teacher, a HOLPOL 2 to both parent(s)/carer(s) concerned. A Penalty Notice will be issued with a HOLPOL2 where the circumstances would support a successful prosecution for failing to ensure the regular attendance of a child in the event of the notice not being paid. Where the pupil has already been referred to the Attendance & Welfare Service and the case is in procedures, the unauthorised leave of absence should be considered as part of that process as the issue of the penalty notice may not be appropriate.
If the leave of absence has not been authorised but is outside the terms of the policy the service may decide to take no further action against the family and HOLPOL3 letter will be sent to the Head Teacher.

A penalty notice should only be issued if it is the best tool for the individual circumstances of the case. Even then, it should only be used when support is not appropriate or where support is appropriate, has been provided and has not worked or not been engaged with.

It is important for the Head Teacher to decide each case on its own merits and to be accountable for their decision should this be challenged by parents. Head Teachers may be required to give evidence in court if a prosecution ensues due to the non-payment of the Penalty Notice.

Where a Penalty Notice is unpaid, the Senior Attendance and Welfare Officer or Lead for Inclusion in conjunction with the Legal Services Team

will make the final decision on whether it is in the public interest to proceed to prosecution.