

SUMMARY OF THE CURRENT PROCEDURE IN ENGLAND FOR AUTHORISING ABSENCE (drawn from Department of Education and National Association of Headteachers)

Term times are for education. This is the priority. Head teachers will rightly prioritise attendance. If an event can reasonably be scheduled outside of term time then it would not be normal to authorise absence. The current law does not give any entitlement to parents/guardians to take their child on holiday during term time. Any application for leave must be in exceptional circumstances and the Head teacher must be satisfied that the circumstances warrant the granting of leave. The fundamental principles for defining 'exceptional' are rare, significant, unavoidable and short. And by 'unavoidable' we mean an event that could not reasonably be scheduled at another time. Parents/guardians can be fined for taking their child on holiday during term time without consent from the Head teacher.

The education (pupil registration) (England) (amendment) regulations 2013, which came into force on 1 September 2013, made clear that Head teachers may not grant any leave of absence during term time unless 'exceptional circumstances' exist. The regulations also stated that Head teachers should determine the number of school days a child can be away from school if leave is granted for 'exceptional circumstances'.

To be clear, only exceptional circumstances warrant an authorised leave of absence. The application must be made in advance and Head teachers must be satisfied that they have evidence of exceptional circumstances based on the individual facts of the case which warrant the leave. The evidence parents/guardians will need to provide depends entirely on what type of leave from school they are applying for. A wedding abroad needs evidence of the event and can include invitations and evidence of travel/accommodation reservations. The evidence parents/guardians will be required to provide will be specifically asked for by the school. If parents/guardians are unable to provide evidence then the request will be refused.

Where a leave of absence is granted, the Head teacher will determine the number of days a pupil can be away from school. A leave of absence is granted entirely at the Head teacher's discretion. Leave is unlikely, however, to be granted for the purposes of a family holiday as a norm.

If the Head teacher is unable to authorise a leave of absence for the purpose of a holiday but the parents/guardians still take the child out of school, or the child is kept away for longer than was agreed, the absence is unauthorised. The regulations do not allow schools to give retrospective approval. If the parents/guardians did not apply for leave of absence in advance, the absence must be recorded as unauthorised.

Penalty notices can be used where the pupil's absence has not been authorised by the school. Penalty notices are fines of £60/£120 imposed on parents. If you don't pay the fine you may be prosecuted and get a fine of up to £2,500, a community order or a jail sentence up to 3 months. The court will also give you a Parenting Order. Penalty notices can be issued to each parent liable for the attendance offence or offences.