

Leave of Absence in Term Time Frequently Asked Questions

When can my child be absent from school?

When you register your child at school, you have a legal duty to ensure your child attends that school regularly. This means that your child must attend every day that the school is open, unless:

- Your child is too ill to attend that day.
- You have asked in advance and been given permission by the school for your child to be absent on that day due to exceptional circumstances.
- Your child cannot attend school on that day because it is a day you are taking part in religious observance
- Your local authority is responsible for arranging your child's transport to school and it is not available on that day or has not been provided yet; or
- You are a gypsy/traveller family with no fixed abode, and you are required to travel for work that day meaning your child cannot attend their usual school. In most circumstances, however, your child is required to attend another school temporarily during such absences.

These are the only circumstances where schools can permit your child to be absent.

What do I need to do if I know that my child will be absent from school?

All parents can request a leave of absence for their child, which gives them permission to be absent from school. Leave of absence must be applied for before your child's absence, and will only be granted in exceptional circumstances.

What does the law say about leave of absence in term time?

It says Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. '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'. Head Teachers should determine the number of school days a child can be away from school if the leave is granted.

If my child's school refuses to authorise my term time leave of absence request, will I receive a Fixed Penalty Notice and can I be prosecuted?

Lancashire County Council's Fixed Penalty Notice Protocol acknowledges that regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

Circumstances where a Penalty Notice might be issued include unauthorised leave of absence in term time, or other parentally condoned absence where the absence amounts to five school days or more in a minimum ten rolling school week period. You can be prosecuted if you receive a fixed penalty notice and it is not paid. Under the Education Act 1996, parents commit an offence if they fail to ensure their child's regular school attendance. Taking a child out of school for a leave of absence without permission, and where the absence amounts to five school days or more of unauthorised absence in a minimum ten week rolling term is viewed as failing to ensure your child's regular attendance at school.

Payment of a Penalty Notice, where offered, is an alternative to prosecution. If unpaid, prosecution for the Education Act offence may therefore ensue. A fixed penalty notice will be issued to each person with parental responsibility for the child / children who are deemed liable for the offence / offences.

What happens if I take my child on holiday without completing a leave of absence request form?

If school has reason to believe that the absence is due to a holiday, a suspected holiday letter will be issued, and the absence will be unauthorised unless medical evidence can be provided for the absence. Unauthorised absences on your child's attendance record may mean that you are liable to incur a Fixed Penalty Notice

Absences

Days Absent	Risk of PA
1	Low
2	Low
3	Low
4	Low
5	Low
6	Low
7	Low
8	Low
9	Low
10	Moderate
11	Moderate
12	Moderate
13	Moderate
14	Moderate
15	High
16	High
17	High
18	High
19 or more	Persistent Absentee

Frequency

Number of Separate Episodes of Absence	Risk of Persistent Absence
1	Low
2	Low
3	Medium
4	Medium
5	High
6	High

What Does Good Attendance Look Like?

Every Day Counts		
100%	0 days missed	Excellent
99%	2 days/ 10 lessons missed	Very Good
97%	1 week/ 25 lessons missed	Good
95%	2 weeks/ 50 lessons missed	Beginning to make it hard to make progress <ul style="list-style-type: none"> - Early Intervention - FPN - Pattern Spotting
94%-91%	11-17 days/ 55-85 lessons missed	Cause for concern <ul style="list-style-type: none"> - Early Intervention - FPN - Pattern Spotting
90%	4 weeks/ 100 lessons missed	Persistently Absent <ul style="list-style-type: none"> - Additional targeted support
80%	7.5 weeks/ 190 lessons missed	This much absence over 5 years equates to 1 full year missed
50%	19 weeks/ 485 lessons missed	Severely Absent Work with LA – intensify support

Fixed Penalty Notices for irregular attendance at school

Important information for parents

1 Overview

Penalty notices are issued as an alternative to prosecution where parents have failed to ensure their child attends school regularly. They can be used in cases where absence has not been authorised by a head teacher.

The notices are used to prevent the need for court action, for example, when support has not been engaged with or is not appropriate (for example, leave of absence during term time). **Changes from September 2024 are shown below.**

2 Leave

Head Teachers are unable to grant leave of absence during term time unless there are **exceptional circumstances**.

Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation **would not** constitute an exceptional circumstance.

3 Absence

A Fixed Penalty Notice may be issued if there are **5 days / 10 sessions** of absence in a period of **10 school weeks** (where absence has not been authorised).

A notice may be issued where the 5-day level of absence has not been reached, for example, if there are several periods of leave.

4 Amount

Within a 3-year period:

The first penalty notice is **£160** if paid within 28 days, reduced to **£80** if paid within 21 days.

A second penalty notice is **£160** to be paid within 28 days.

A third penalty notice cannot be issued. **Legal action** may result (for example, prosecution).

When should my child return to school?

Chicken Pox	When all spots have crusted over	Conjunctivitis	None*	Diarrhoea & Vomiting	48 hours from last episode	Glandular Fever	None*	Hand, foot & mouth	None*	Impetigo	When lesions are crusted & healed or 48 Hours after commencing antibiotics	Whooping Cough	48 Hours after commencing antibiotics
Measles or German Measles	4 days from onset of rash	Mumps	5 days from onset of swelling	Scabies	After first treatment	Scarlet Fever	24 hours after commencing antibiotics	Slapped Cheek	None*				
		Flu	Until recovered	Head Lice	None*	Threadworms	None*	Tonsillitis	None*				

*No need to stay off but school should be informed.