

## Exceptional Circumstances Leave of Absence Request

### Note to Parents/Carers,

The law does not grant parents an automatic right to take their child out of school during term time. 'Parent' as set out in Section 576 of the Education Act 1996, defines parent to include: natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989) and; any person who, although not a natural parent, has care of a child. Having care of a child means a person with whom a child lives and who looks after a child, irrespective of what their relationship is with said child. All requests must be completed on the Exceptional Circumstances Leave Request Form; letters and emails will not be accepted. This form should be returned to the Attendance Improvement Coordinator Miss W Reeve, at least 14 school days before the start of the absence.

**WARNING:** If you allow your child to miss school in term time for an avoidable reason without obtaining the prior approval of the school, you may be issued with a Penalty Notice (see reverse of form for details) per parent per child, or made the subject of court proceedings under section 444 Education Act 1996. As a parent/carer, you can demonstrate your commitment to your child's education by not allowing your child to miss school for anything other than an exceptional and unavoidable reason.

Every request for leave of absence during term time will reviewed on an individual basis with due consideration of the circumstances but the Headteacher can only grant leave of absence if they consider exceptional circumstances apply. The fundamental principles for defining 'exceptional circumstances' are that they are **Rare, Significant, Unavoidable** and for a **Short** period of time. If the exceptional circumstances are agreed, the Headteacher will determine the length of the absence to be authorised.

<b>Child Name:</b>		<b>Class/Year:</b>	
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<b>Please do remember/note whilst all requests will be considered on an individual basis, any leave of absence can only be approved by the Headteacher in exceptional circumstances.</b>			
<b>Date of First day of absence:</b>		<b>Date of last day of absence:</b>	
<b>Total school days absent:</b>		<b>Expected date of return to school:</b>	
<b>Please provide the reason for this request including supporting evidence:</b>			
<b>Please read the following statement and sign to indicate you understand the this:</b> <i>I would like to request the above absence. I understand that the school strongly advises against taking unnecessary absence during term time and accept that this may have a detrimental impact on my child/ren's progress. I understand that a penalty notice may be issued if this request is denied and my child is absent during this period. I understand that the penalty notice/court action provided on the reverse of this request will apply.</i>			
<b>Name &amp; address parent requesting absence:</b>			
<b>Parent signature &amp; date:</b>			
<b>Date request received</b>		<b>Is the leave of absence approved or partly approved?</b>	<b>YES/NO</b>
Approved/ dates partially approved/not approved for following reason(s): <b>attach letter sent to parent(s)/carer(s) inc code that will be placed in register</b>			
<b>Head Teachers' signature &amp; date:</b>			

**Purpose of penalty notices** please also see [attendance policy](#) [Statutory Guidance DfE](#)

Penalty notices are issued to parents as an alternative to prosecution where they have failed to ensure that their child of statutory school age regularly attends the school where they are registered or, in certain cases, at a place where alternative provision is provided. Penalty notices can be used by all schools (with the exception of independent schools) where the pupil's absence has been recorded with one or more of the unauthorised codes and that absence(s)

constitutes an offence. A penalty notice can be issued to each parent liable for the offence or offences. They should usually only be issued to the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

Penalty notices must be issued in line with the Education (Penalty Notices) (England) Regulations 2007, as amended and can only be issued by a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police. They must also be issued in line with Local Codes of Conduct which are drawn up and maintained by each local authority.

A penalty notice may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first 5 days of a fixed period or permanent exclusion. The school must have notified the parents of the days the pupil must not be present in a public place. This type of penalty notice is not included in the National Framework and therefore not subject to the same considerations about support being provided or count towards the limit as part of the escalation process in the case of repeat offences for non-attendance.

The threshold is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. A school week means any week in which there is at least one school session. This can be met with any combination of unauthorised absence (e.g. 4 sessions of holiday taken in term time plus 6 sessions of arriving late after the registration closes all within 10 school weeks). The period of 10 school weeks can also span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer term and a further 8 within the Autumn Term).

### **Two penalty notice limit and escalation in cases of repeat offences**

A penalty notice is an out of court settlement which is intended to change behaviour without the need for criminal prosecution. If repeated penalty notices are being issued and they are not working to change behaviour they are unlikely to be most appropriate tool. Therefore, from autumn term 2024, only 2 penalty notices can be issued to the same parent in respect of the same child within a 3-year rolling period and any second notice within that period is charged at a higher rate:

- The first penalty notice issued to a parent in respect of a particular pupil will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days.
- A second penalty notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days.
- A third penalty notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. In a case where the national threshold is met for a third time (or subsequent times) within those 3 years, alternative action should be taken instead. This will often include considering prosecution but may include other tools such as one of the other attendance legal interventions.

Where the pupil's previous school was in the same local authority area this check will be simple. If the pupil has moved between local authorities in the previous 3 years and the previous local authority(ies) is known, they should be contacted to check whether a penalty notice has been issued to that parent for that pupil in the previous 3 years.

**There is no right of appeal by parents against a penalty notice**