

## Children & Young People Service

# Term time holidays and extended leave

### *Guidance for Schools*

*Revised July 2013*

*This document is available on*

<http://intranet.kirklees/services/chyps/schools/attendance.shtml>

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## 1. Introduction

It is well recognised that good, consistent attendance at school is crucial to a child or young person's future prospects. Reducing absence from school continues to be a priority both nationally and locally, because missing school damages pupils' attainment levels, disrupts school routines, affects the learning of others and can leave young people vulnerable to anti-social behaviour and crime.

Both locally and nationally, term time holidays continue to be a significant cause of absence from school. According to recent Kirklees data (2013), term time holidays represent 17% of all absence in primary schools, and 7% of all absence in secondary schools. Term time holidays are the second most common cause of authorised absence, after illness.

Previous data from the National Primary Strategy underscored the overall impact that attendance has on attainment. Differences of more than 20 and 30 percentage points are a stark reminder of the value of 'being there'. We all need to reinforce the message that '**every lesson counts**'.

In 2013, the Department for Education has taken further action to emphasise that, as a general rule, children should not be taken out of school for the purposes of a holiday.

As a result of these changes, the Kirklees local Code of Conduct for the issuing of Penalty Notices has also been revised.

Should you need further information about this guidance please contact:

Attendance & Pupil Support Service  
East Wing  
The Deighton Centre  
Huddersfield  
HD2 1JP

Tel: 01484 22 (860) 1919

[attendance.pupilsupport@kirklees.gov.uk](mailto:attendance.pupilsupport@kirklees.gov.uk)

## 2. DfE Guidance

In 2013, the DfE issued revised *Advice on School Attendance* (which can be found at <http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/f00221879/advice-on-school-attendance> ) and amended the *Pupil Registration Regulations 2006*.

The amendments to the 2006 regulations (which come into force on 1<sup>st</sup> September 2013) will:

- Remove references to family holiday and extended leave;
- Remove references to the statutory threshold of ten school days;
- Make clear that head teachers may not grant any leave of absence during term time unless there are *exceptional circumstances*.

It is up to head teachers to determine whether circumstances are “exceptional”, and up to head teachers to determine the number of school days a child can be away from school if the leave is granted.

## 3. Safeguarding children’s welfare

In a small number of cases schools could have concerns about a child’s welfare, such as that the child will be forced into marriage whilst abroad. In such cases, the school should seek support from their local authority. For more information and guidance on this, please refer to the online **Local Safeguarding Children Boards Procedure Manual**. (<http://westyorkscb.proceduresonline.com/index.htm>)

## 4. Guidance for Kirklees Schools

When deciding whether or not to grant the leave of absence, head teachers **may** wish to take the following into consideration:

- The reasons for the holiday/leave, and whether parents/carers are unable to take the holiday/leave outside term time;
- The level of disruption to the child’s education;
- The age of the child and their educational stage;
- The time of year for the proposed holiday/leave (for example if it is near to any exam dates);
- The child’s overall attendance record;
- Any previous holidays/leave taken in the key stage

### Good practice

Across Kirklees schools, there are many examples of good practice in relation to term time holidays/extended leave. These include:

- The use of standard forms to request leave of absence / holidays;
- Ensuring all communication is confirmed in writing. This is particularly important if a Penalty Notice is unpaid and the matter goes to Court;

- A detailed section on term time holidays and extended leave in the school's attendance policy. This includes the criteria that will be used in deciding whether the leave will be authorised, and the consequences (see below) of taking unauthorised holidays/extended leave or failing to return by the agreed date;
- The use of a pyramid-wide attendance policy, which includes a common approach to dealing with requests for term time holidays and extended leave;
- Communication with other schools in the pyramid where there are known siblings;
- Obtaining copies of airline tickets with defined return dates.

### Consequences of unauthorised holidays

All potential consequences resulting from unauthorised holidays must be clearly communicated and explained to parents. Parents must be made aware of

- The possibility of a Penalty Notice being issued (to each parent for each child);
- The possibility of losing the school place, and the likelihood of being re-admitted to the school;
- The possibility of prosecution under Section 444 of the Education Act 1996 for repeat offences of unauthorised holidays.

Schools are strongly advised to include these consequences in their attendance policy and in all their communication with parents regarding term time holidays.

## **5. Unauthorised holidays**

In order to minimise the unnecessary transfer of pupils across schools, Kirklees Council does not recommend deleting children from the register but instead supports the use of Penalty Notices for periods of unauthorised holiday and extended leave, where appropriate.

Penalty Notices can also be used where the child does not return by the agreed date – in this case, **all** of the holiday should be marked as unauthorised.

Where parents continue to take unauthorised holiday in term time, despite having previously been issued with a Penalty Notice, the Local Authority will consider a prosecution under S 444 of the Education Act 1996.

### Penalty Notices for Unauthorised Holidays

The *Education (Penalty Notices) Regulations 2007* set out the details of how the penalty notice scheme must operate, and that all Penalty Notices must be issued in accordance with the Local Code of Conduct.

The Kirklees Code of Conduct was revised in July 2013. A copy of the Code is available at <http://intranet/services/chyps/schools/attendance.shtml>

Under the Code, all Kirklees schools are required to have a written school attendance policy which includes:

- The school policy in relation to term time holidays;
- The criteria to be used when deciding whether to authorise holiday absence;
- The information required from parents requesting term time holiday;
- The sanctions to be used if agreements are not kept - this could include requesting that a penalty notice be issued.

A summary of the school's policy on term time holidays must be included in the school brochure/prospectus and parents should be reminded regularly of the policy and of the procedure to request term time holiday or other exceptional leave.

Under the revised Code, Penalty Notices may be issued:

- If parents have not sought permission from the head teacher before taking their child out of school for a holiday in term-time;
- If the head teacher has refused the request but the absence occurs anyway;
- If a child has not returned to school by the agreed date with no satisfactory explanation;

#### **AND**

- Where the individual holiday absence has been recorded by the school as unauthorised in the attendance register on at least 10 sessions (5 school days).

#### Procedure for requesting a Penalty Notice

Pro-forma documentation for requesting a Penalty Notice is included at the back of this guidance. Please complete the following forms to request a Penalty Notice:

- **Form PNS1.** Please note that the first and last names of both parents/carers are needed, as Penalty Notices are issued against both parents/carers;
- **Form PNS2.** This is a pro-forma witness statement and will be needed if the Penalty Notice is unpaid and prosecution follows. The statement only needs to be brief – confirmation that the holiday/leave was not authorised or that the child did not return by the due date. Please also attach a copy of the child's attendance print out showing the absences marked as unauthorised holiday (code G).

Please also submit a copy of the letter to the parents/carers advising them that the holiday request had been refused (if applicable), and/or a copy of the letter to the parents/carers advising them that a Penalty Notice will be issued to each parent of each child. Please note that the Local Authority will NOT issue a Penalty Notice without copies of such letters, as there needs to be clear evidence that the parents were fully aware of the potential consequences of the unauthorised absence.

#### Prosecution

The school will be notified whether or not the Penalty Notice has been paid.

Should the Penalty Notice not be paid, the Local Authority will submit the witness statement (PNS2) and the attendance print out for prosecution in the Magistrate's Court. The school will be informed of the outcome of the prosecution.

## **6. Deletion from the register**

In order to minimise the unnecessary transfer of children across schools, Kirklees Council does not recommend deleting children from the register but instead supports the use of Penalty Notices for periods of unauthorised holiday and extended leave, where appropriate.

However, where schools do intend to delete a child from the admissions register, head teachers are reminded that all deletions from the admissions register must comply with regulation 8 of the *Pupil Registration Regulations 2006*. In relation to term time holidays, regulation 8 allows for deletion from the register under the following circumstances:

- Where the leave has been authorised, if the pupil fails to return within 10 school days of the agreed return date. The school must check that the pupil does not have a good reason for their absence, such as disrupted travel arrangements or illness, before deleting the pupil;
- Where the leave has not been authorised, after 20 days of unauthorised absence.

In line with the revised *Advice on School Attendance*, the local authority should be notified in advance of the deletion, when the school becomes aware that the deletion will be made. Flowcharts covering actions to be taken by the school are included in this guidance on pages 8 to 10.

## **7. Recording the absence**

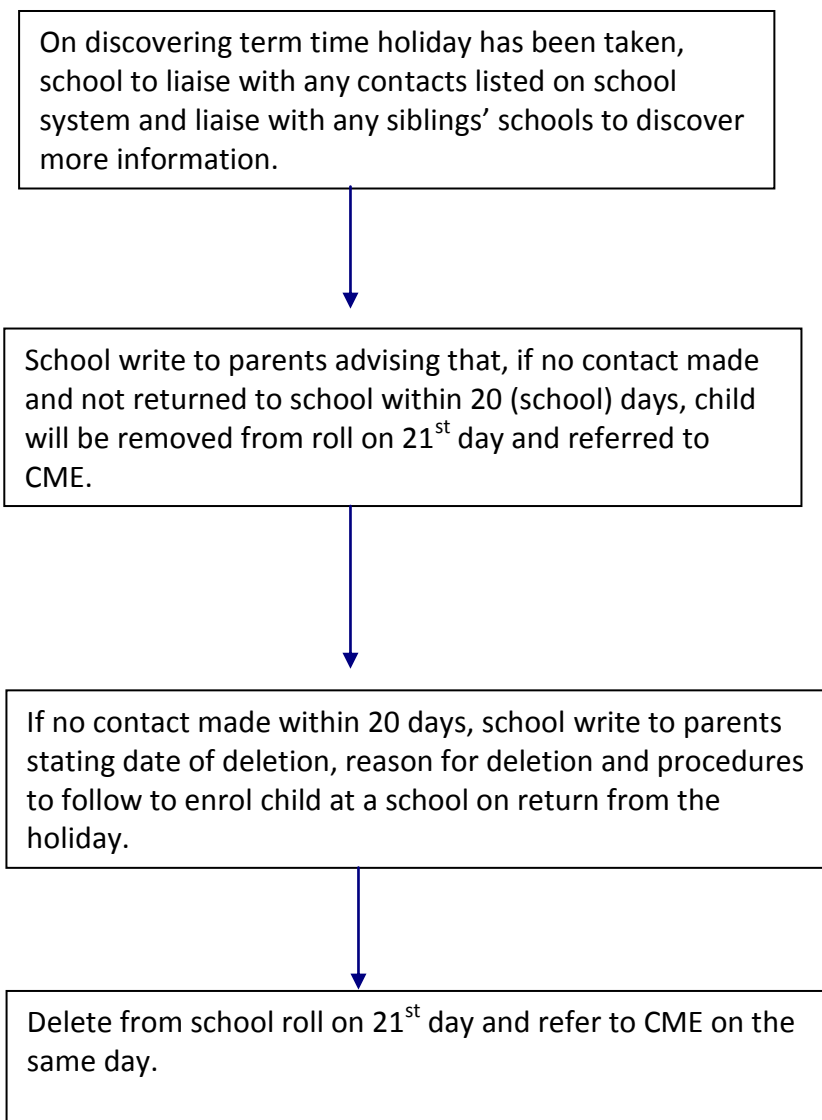
The appropriate register code will be:

H – Authorised holiday;

G – Unauthorised holiday (not agreed or days in excess of agreement);

C – Other exceptional circumstances, authorised by the head teacher

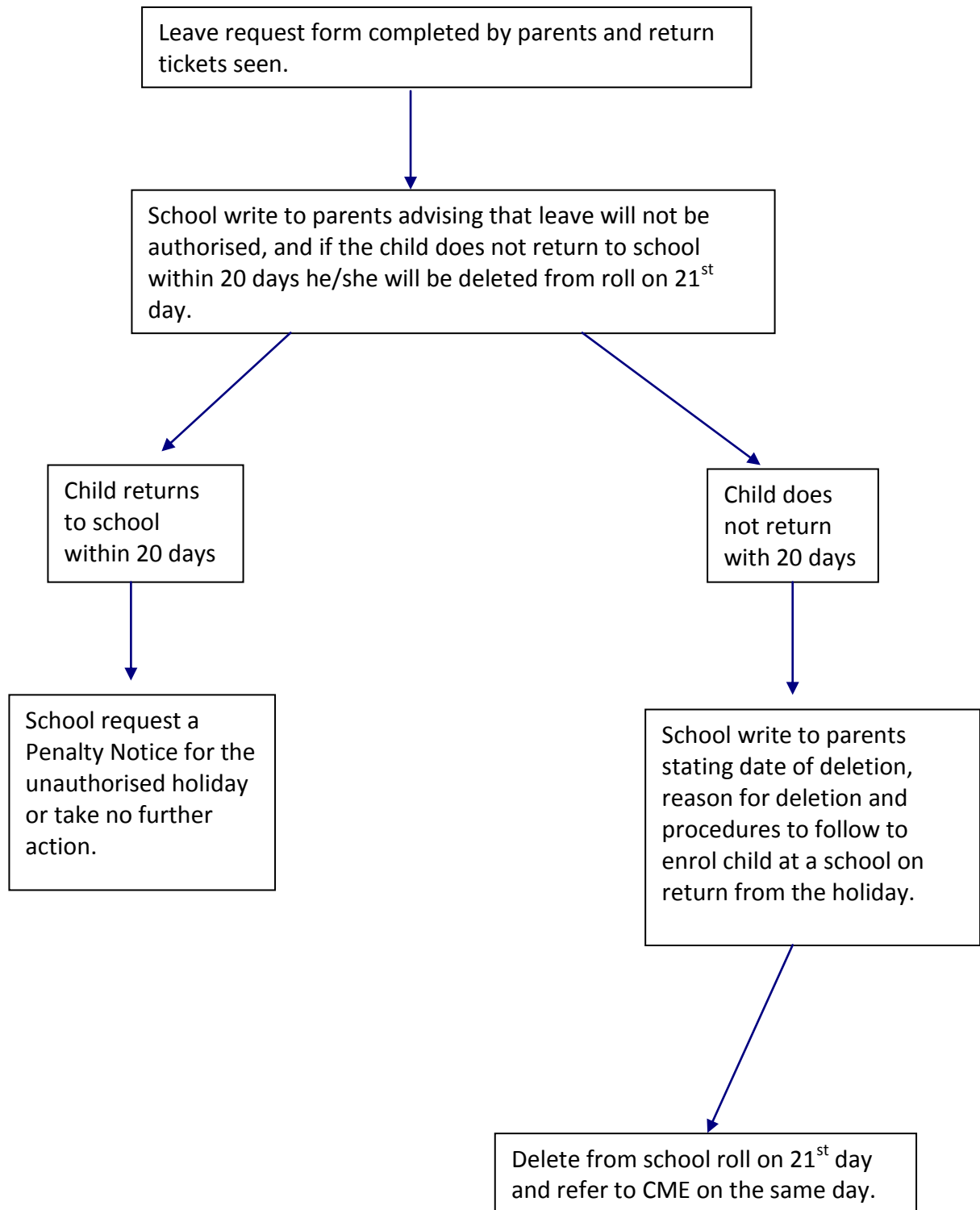
## Deletion from school roll – Term time holiday is taken but not requested



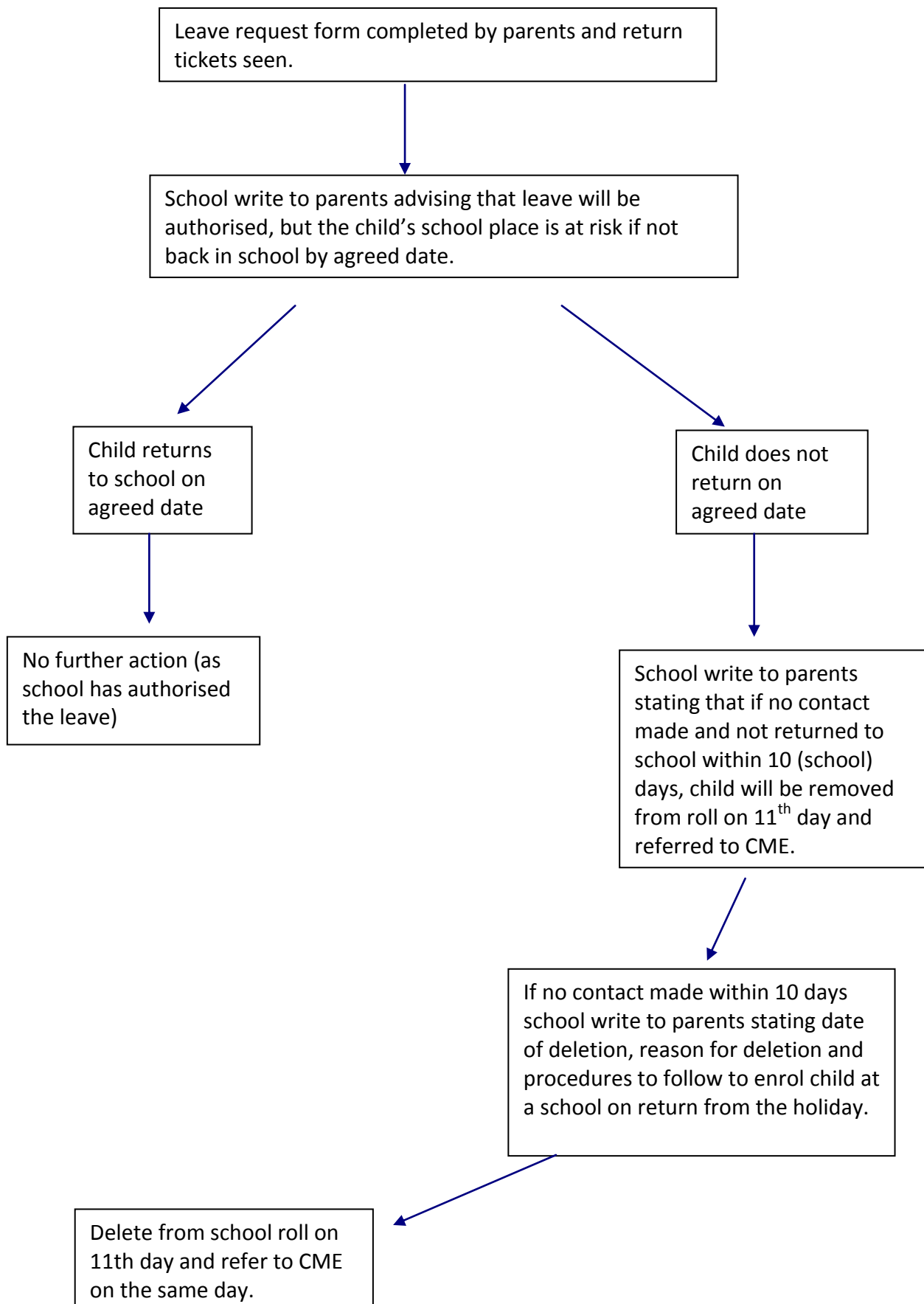
Note – if the family is not on holiday but has left/disappeared please follow usual CME procedures.



Deletion from school roll – Term time holiday is requested but not authorised by the school.



Deletion from school roll – Term time holiday is authorised by the school but family do not return by the agreed date.



## **PRO-FORMA DOCUMENTATION**

**PNS1 – Penalty Notice request form**

**PNS2 – Pro-forma witness statement**

## **PRO-FORMA LETTERS**

**PNS4 – Leave authorised**

**PNS5 – Leave not authorised**

**PNS6 – Warning letter – absence not authorised**

**PNS7 – Penalty Notice letter – absence not authorised**

**PNS8 – Warning letter – did not return by due date**

**PNS9 – Penalty Notice letter – did not return by due date**

**PNS1 - Request for a Penalty Notice for a Term time holiday**

(NOTE : Penalty Notices are issued against both parents/carers. Full names are essential)

**Parent/Carer 1:** First Name ..... Last Name .....

Address: .....

Tel no .....

**Parent/Carer 2:** First Name ..... Last Name .....

Address: .....

Tel no .....

**Pupil:** First Name ..... Last Name .....

Ethnicity ..... School: .....

**Information about this term time holiday absence:**

Was permission for this absence requested in advance by the parent?

Was permission given?

Dates of the unauthorised absence:

Dates of any absence you have authorised:

**Signed:** ..... Head teacher      **Date:** .....

**Please forward this form to Attendance & Pupil Support Service together with:**

- **Form PNS2 (witness statement), which will be used in court proceedings should the Penalty Notice not be paid;**
- **A copy of the child’s attendance print out showing the absences marked as unauthorised holiday (code G).**
- **A copy of the letter to the parent(s) advising them that the holiday request has been refused (if applicable);**
- **A copy of the letter to the parent(s) advising them that a Penalty Notice will be issued.**

<u>For Administrative use only</u>	
Issue Penalty Notice	<input type="checkbox"/>
Authorised by .....	Date .....

**Form PNS2 – Pro-forma witness statement**

**WITNESS STATEMENT**

Criminal Procedure Rules, r27.1(1)  
Criminal Justice Act 1967, Section 9, MC Act 1980 s.5B

**Statement of: [INSERT HEADTEACHER'S NAME]**

**Age if under 18:** Over 18

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

**Signature:**

**Date :**

**STATEMENT IN RESPECT OF: [INSERT DEFENDANT'S NAME]**

I am the Head teacher of [insert full name of school].

I can confirm that [insert child's name / date of birth] is on the register at the above school.

I have checked the school attendance records and can confirm that the attendance record shown as exhibit ("??1") is a true and accurate record of [insert child's name] attendance at school between [insert date] to [insert date].

I also confirm that

- This school has a written attendance policy in place which includes procedures in relation to term time holidays.
- A summary of the term time holiday policy is included in the brochure (or provided separately as an addendum) and communicated regularly to parents.
- The absence to which this request refers is recorded as unauthorised in the school register.

Signature \_\_\_\_\_ Signature Witnessed by \_\_\_\_\_

**(PNS 4 - TERM TIME HOLIDAY REQUEST AUTHORISED)**

*Name*

*Address etc.*

Dear *(Name of Parent/s)*

**Re: Term time holiday request for .....**

Following your recent request for .....to be allowed term-time holiday, I am writing to confirm that I have authorised this planned absence, from .....to .....

However, I must point out that the school strongly discourages holidays in term time, as .....

I must also draw your attention to the school's attendance policy. This makes it clear that if a holiday is taken in term time which has **not** been authorised, a Penalty Notice may be issued. The Penalty Notice is for £60, for each parent of each child, if paid within 21 days, and £120 if paid after this date but within 28 days.

Finally, you also need to be aware that if your child does not return to school on the date stated in the request, the school place is at risk of being withdrawn.

Yours sincerely

**(PNS5 - TERM TIME HOLIDAY REQUEST NOT AUTHORISED)**

*Name*  
*Address etc.*

Dear (*Name of Parent/s*)

**Re: Term time holiday request for .....**

Following your recent request for .....to be allowed term-time holiday, I regret that I am unable to authorise this absence. My reasons are as follows:

- 
- 
- 

Should you continue with your plans for .....

I must draw your attention to the school's attendance policy. This makes it clear that if a holiday is taken in term time which has not been authorised, a Penalty Notice may be issued. The Penalty Notice is for £60, for each parent of each child, if paid within 21 days, and £120 if paid after this date but within 28 days.

Finally, you also need to be aware that if your child fails to return to school following 20 days of absence due to extended leave/holiday, he/she is at risk of losing their school place.

Yours sincerely

**(PNS6 - ABSENCE NOT AUTHORISED – WARNING LETTER)**

*Name*

*Address etc.*

Dear (*Name of Parent/s*)

**Penalty Notice Warning – term time holidays**

It has come to my attention that .....has taken ..... days leave in order to go on holiday from ..... To ..... This holiday absence was not authorised by the school.

The school's attendance policy makes it clear that parents must seek permission in writing from the head teacher in advance should they wish to take students out of school for a holiday, and that if a holiday is taken in term time which has not been authorised, a Penalty Notice may be issued.

The Penalty Notice is for £60, for each parent of each child, if paid within 21 days, and £120 if paid after this date but within 28 days.

On this occasion I have decided not to issue a Penalty Notice against you. You should consider this letter as a warning that any further holidays taken in term-time without prior permission **will** lead to such action being taken against you.

Yours sincerely



**(PNS7 - ABSENCE NOT AUTHORISED – PENALTY NOTICE LETTER)**

*Name*

*Address etc.*

Dear *(Name of Parent/s)*

**Penalty Notice for Term Time Holidays**

It has come to my attention that .....has taken ..... days leave in order to go on holiday from ..... To ..... This holiday absence was not authorised by the school.

The school's attendance policy makes it clear that parents must seek permission in writing from the head teacher in advance should they wish to take students out of school for a holiday, and that if a holiday is taken in term time which has not been authorised, a Penalty Notice may be issued.

As you did not request permission for this holiday, the school will be arranging for a Penalty Notice to be issued against you. You will receive notification from Kirklees Council in due course.

The Penalty Notice will be issued to each parent of each child. Each Penalty Notice will be for £60 if it is paid within 21 days, it will increase to £120 if paid after 21 days but within 28 days.

Failure to pay the penalty notice could result in Kirklees Children and Young People Service starting legal proceedings against you for the offence of not ensuring your child's attendance at school.

Yours sincerely

**(PNS8 - DID NOT RETURN BY DUE DATE – WARNING LETTER)**

*Name*

*Address etc.*

Dear *(Name of Parent/s)*

**Penalty Notice Warning – term time holidays**

It has come to my attention that .....did not return from the authorised holiday by the agreed date. This means that .....days of this absence have been treated as unauthorised.

The school's attendance policy makes it clear that parents must seek permission in writing from the head teacher in advance should they wish to take students out of school for a holiday, and that if a holiday, or part of a holiday, is taken in term time which has not been authorised, a Penalty Notice may be issued.

The Penalty Notice is for £60, for each parent of each child, if paid within 21 days, and £120 if paid after this date but within 28 days.

On this occasion I have decided not to issue a Penalty Notice against you. You should consider this letter as a warning that any further unauthorised holidays taken in term-time **will** lead to such action being taken against you.

Yours sincerely

**(PNS9 - DID NOT RETURN BY DUE DATE – PENALTY NOTICE)**

*Name*

*Address etc.*

Dear *(Name of Parent/s)*

**Penalty Notice for Term Time Holidays**

It has come to my attention that .....did not return from the authorised holiday by the agreed date. This means that .....days of this absence have been treated as unauthorised.

The school's attendance policy makes it clear that parents must seek permission in writing from the head teacher in advance should they wish to take students out of school for a holiday, and that if a holiday, or part of a holiday, is taken in term time which has not been authorised, a Penalty Notice may be issued.

As you did not request permission for this part of the holiday, the school will be arranging for a Penalty Notice to be issued against you. You will receive notification from Kirklees Council in due course.

The Penalty Notice will be issued to each parent of each child. Each Penalty Notice will be for £60 if it is paid within 21 days, it will increase to £120 if paid after 21 days but within 28 days.

Failure to pay the penalty notice could result in Kirklees Children and Young People Service starting legal proceedings against you for the offence of not ensuring your child's attendance at school.

Yours sincerely