



Appendix (d) - Essex Code of Conduct on Penalty Notices

GUIDANCE TO ESSEX SCHOOLS ON PUPIL HOLIDAYS IN TERM TIME

Authorisation of holidays

Parents should not normally take their children on holiday during term time and must apply for the leave in advance of taking it. The responsibility for authorising requests for term time holidays lies with the school. Each request for leave of absence should be considered individually, taking account of:

- Age of the child,
- Pupil's stage of education and progress
- Time of year proposed for the trip – does it coincide with any tests or examinations? Is it during the month of September?
- Overall attendance pattern of the pupil – what is the attendance for the preceding 12 weeks? Have there been previous absences due to a holiday?

Schools can only agree to absence for a family holiday if they believe there are special circumstances which warrant it. The Local Authority recommends that schools request parents submit a letter along with their application to state the special circumstance in which they are applying for a holiday during term time. Special circumstances may include;

- Service personnel where a parent/carer has just returned from a tour of duty and needs time with the family
- Where parent/carer is able to demonstrate clearly (e.g. letter from employer) that they are restricted to annual leave within the school term or they have work commitments

Schools can only agree to an extended holiday during term time of more than 10 school days in a school year if they believe there are exceptional circumstances.

It is important that schools discourage parents from removing their children from education for any reason as absences may have a negative impact on the pupil's educational attainment and progress. A pupil who takes 10 days absence will only attain 94.7% attendance in the year. 10 days absence also means the pupil will miss 50 hours of education.

If parents do not apply for leave of absence in advance of taking it, the absence should be recorded as unauthorised. If parents keep a child away for longer than was agreed, any extra time is recorded as unauthorised. If the pupil fails to attend school within 10 school days immediately following the date the pupil was due to return and the school has no reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any other unavoidable cause and both the school and the Local Authority have failed, after reasonable enquiry, to ascertain where the pupil is (Appendix A and B) the pupil can be removed from roll and referred to Children Missing Education (CME).

It is expected that where a school has not agreed to authorise the absence for a term time holiday there will have been contact / a meeting with the family to ensure they are fully aware

of the reason why it has not been agreed. This will also make sure that it is not a case for leave of absence due to special circumstances rather than a holiday request.

Examples of when the school may wish to authorise leave of absence due to exceptional circumstances may be where a family needs to spend time together to support each other in a crisis. This may include;

- An immediate family member is terminally/critically ill
- Families who have been through a traumatic or acrimonious divorce
- Families where the circumstances are known to the school and where it may be beneficial for them to take time out together

The decision whether or not to authorise a holiday should be justifiable and any reason for rejection must be recorded and conveyed to the parent(s) in writing. A letter refusing a request should explain the reason it is not deemed to be a special circumstance and that a penalty notice may be issued if the holiday is taken without the school's permission.

In a small number of cases schools could have concerns about a pupil's welfare, such as that the pupil will be forced into marriage whilst abroad. In such cases, the school should seek support from the LA.

Penalty Notices

Schools need to make the decision whether they wish to apply for a penalty notice following an unauthorised term time holiday. The LA expects schools to apply for a penalty notice within 2 weeks after the pupil's return to school following the unauthorised holiday. A penalty notice will be considered by the LA if

- There have been 10 sessions (5 consecutive days) or more of unauthorised absence due to a holiday taken during an academic year; **and**
- Attendance is below 90% during the preceding 12 weeks *before the holiday was taken*;
or
- The holiday was taken during the month of September; or
- The holiday was taken during tests or examinations; or
- It is the second holiday taken in any one academic year; or
- The pupil is in Year 6 or Year 11

Although the responsibility for authorising requests for term time holidays lies with the school, it is the EWS legal intervention panel who will make the decision on whether to issue a penalty notice based on the evidence supplied by the school.

It is vital that schools ensure parents are aware of the possibility of a penalty notice being issued, which could lead to prosecution for non attendance if they fail to pay. This information must be included in school literature, such as the school prospectus, home-school agreements, holiday request forms, newsletters, attendance and behaviour policies and web sites.

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