

## Leave of absence in term time and fixed penalty notices update

Read in conjunction with [Ealing's code of conduct on the provisions for fixed penalty notices](#).

School attendance became mandatory again for all pupils from 8 March 2021.

The usual rules on school attendance apply, including:

- parents' duty to secure their child's regular attendance at school (where the child is a registered pupil at school and they are of compulsory school age)
- the ability to issue sanctions, including fixed penalty notices in line with local authorities' codes of conduct

As usual, schools are responsible for recording attendance, following up absence and reporting children missing education to the local authority.

(Holiday) From September 2013; the amendments to the 2006 regulations make clear that the Headteacher may not grant any leave of absence during term time unless an application is made, and there are exceptional (and documented) circumstances, (i.e. not holiday). Headteachers can determine the number of school days a child can be away from school if the circumstances are regarded as 'exceptional'.

### Term time holidays

Parents should plan their holidays around school breaks and not take their children out of school on holiday during term time. Where a parent wishes to take their child out of school for whatever reason, the onus is on them to apply for a leave of absence and demonstrate why they believe the circumstances are exceptional. Schools make decisions on granting leave of absence only for an exceptional circumstance.

The Governors and Headteacher set policy on term time absences, and it should be described within the general Attendance Policy. Remember regular attendance is that in accordance with the rules prescribed by the school. The School's Attendance Policy documentation must warn of the possibility of a penalty if the school use the penalty sanction for such leave. Please ensure that you have notified/notify your parents via your communications and website that:

- Covid suspensions to Fixed Penalty Notices has ended
- Covid Temporary Attendance Policy no longer applies; usual processes are restored
- Fines or other legal action will be considered for unauthorised absence
- Post covid attendance has been mandatory since 8 March 2021
- Covid remote learning has ended - Children have already missed a significant time away from school.

Schools must have a process of application for leave. Each case must be considered individually and must meet the school's criteria as an 'exceptional' circumstance.

The DfE do not permit blanket policies.

[Exceptional leave request form](#)

[Exceptional leave terms of agreement template](#)

If leave is taken and is not authorised, then the parent has committed an offence under S444 Ed Act 1996. This can be subject to prosecution in the magistrates' court under ss1 and ss1A of the Act, the penalty fine, if paid, is an alternative to prosecution.

### Penalty notices

Penalties requested for unauthorised leave of absence are issued at the school's request, and are issued in accordance with relevant protocols by the Local Authority.

A School Attendance Certificate with the appropriate codes and a pupil's current address are required. Referrals can be made using the attendance certificate from SIMS/other MIS system, therefore it is necessary to have Parents' full names and up to date addresses and contact number. Send to: [Penalty-holiday@ealing.gov.uk](mailto:Penalty-holiday@ealing.gov.uk)

The Local Authority will only accept instructions from the school and will not engage with parents as to whether a penalty should have been issued or not. This is a matter between the parent and the school. Parent will be referred to the school. \* Please ensure that you have notified the parent that usual processes have been restored and you have captured full information and requested and considered any supporting documentation from the parent/s relating to the absence before requesting a Fixed Penalty Fine.

Where illness, preventing travel back to the UK, is claimed as a reason for a delayed return to school and Doctor's certificates are readily produced in justification, we advise as usual that such certification is not acceptable unless accompanied by a travel ticket with dates that would have indicated a timely return.

Requests for penalties should be made within the half term (or 6 weeks) of a pupil's return to school. The attendance certificate showing parent names and address with the absence codes marked as G. Due to resource issues, we have to restrict requests to 'G' absences of 3 days or more. We recommend the school issue their own disapproval to parents where the "holiday" absence is less than 3 days.

Penalties are issued to the parents named on the attendance certificate. If there is another parent or parent partner not named on the certificate, please name that person if you want a penalty to be issued to each responsible person. Responsibility for attendance extends to whoever has care of the child. Therefore, you may wish to include a partner's name when known to be living in the same home.

\* (see above) There is no right of appeal for parents against a penalty notice. Withdrawals are only possible where it is agreed by the school that the penalty should not have been issued, i.e. the school consider that there are exceptional circumstances. In this case an email to the LA is required to confirm the school's decision for withdrawal.

Please upload all fine requests via Gateway.

All enquiries send to: [Penalty-holiday@ealing.gov.uk](mailto:Penalty-holiday@ealing.gov.uk)

The penalty of £120 is payable within 28 days and is discounted to £60 if paid within 21 days of receipt of the invoice. The payment must be paid direct to the Local Authority. The parents can only be prosecuted if the 28 days has expired and full payment has not been made, (and attendance is irregular with unauthorised absences).

Before requesting fines for un-agreed leave, please refer to the checklist below:

- Have you made clear to parents that attendance has been mandatory since 8 March 2021 and that usual processes have been restored in accordance with the School's Rules?
- Have you applied a consistent transparent approach using the school's attendance policy and absence request forms?
- Are requests considered by SLT ?
- Did you discuss the request with the parent before your decision?
- Have all cases of been considered individually against their particular circumstances?
- Have you given clear communications asking for evidence?
- Was the absence applied for or just taken?
- If not applied for, have you discussed the circumstances with the parent on return?
- Is attendance below the Local Authority average?
- Did the parent/s keep you informed and updated of the absence?
- Have you requested proof of travel documents to know if tickets were booked in and out when the parents claim?
- Have any delays in returning been evidenced?
- Have illnesses and or medical procedures abroad been evidenced?
- Have deaths/funerals abroad been evidenced?
- Are you satisfied the Fine should be issued?
- Is a Fine reasonable and proportionate in line with your school policy or would a warning be more appropriate given the individual circumstance?



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[Code of conduct on the provision of fixed penalty notices Sep 2023.pdf \(pdf\)](#)

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