

Term Time Leave of Absence

Guidance for Schools and Academies

**Warwickshire Attendance Service Warwickshire
County Council**

September 2025

Contents

Introduction.....	3
National threshold for Penalty Notices	4
Getting Started.....	6
Who Can Apply for A Leave of Absence?	8
Leave of Absence Applied for In Advance	8
Absence Authorised	9
Absence Unauthorised	10
Requests received at short notice.....	11
Split Decisions on Leave of Absence request	12
Leave of Absence Not Applied for in Advance	13
Parent with identified language/Adult literacy barriers.....	15
Data Protection Expectations	15
Referral to The Warwickshire Attendance Service	16
Other Useful Information.....	17
Defining who is a parent	17
Who to Refer	17
Absences Due to Parents Employment.....	17
Funerals Abroad	17
Family Emergencies	18
Removing a Pupil From Roll	18
Non-Compulsory Age Pupils (non compulsory age).....	18

Introduction

“Generally, 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” – Working Together to Improve School Attendance [DfE – August 2024]

All schools can grant a leave of absence when a pupil needs to be absent from school with permission. All schools are expected to restrict leaves of absence to the specific circumstances set out in regulation 11 of the School Attendance (Pupil Registration) (England) Regulations 2024.

The regulations state that a leave of absence may not be given unless it has been requested in advance by a parent with whom the pupil normally lives with (ie. The resident parent) and due to the exceptional circumstances of the request.

The decision whether to grant a leave of absence therefore lies solely with the head teacher and / or designated member of staff at the school and when considering such requests for a leave of absence, the school must act within the law.

If the leave is granted, Head teachers can determine the number of school days a child can be absent for.

If the leave is not granted and should a parent removes their child from school during the period requested without permission and without evidence proving that another lawful reason (such as illness) was the reason for the absence, then the school must record the child's absences as unauthorised.

The Supreme Court has clarified that a parent commits an offence under Section 444 Education Act 1996, by taking their child out of school for an unauthorised holiday, which is in breach of the school rules and even if the child's level of attendance at school is otherwise exemplary.

The DfE's Working Together to Improve School Attendance guidance states “Schools are then expected to consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request”.

No statutory guidance has been issued by the government to assist schools in making their decisions about what constitutes an “exceptional circumstance”. Guidance which has been issued by non-government bodies has no statutory authority and is not imposed upon schools.

The Warwickshire Attendance Service (WAS) recommends that schools do not operate “blanket policies”. For example, schools should not approve all requests for leave which are below a certain number of days or where a pupil has a specific level of attendance (%). Schools are also discouraged from having a policy focused on exceptions or advising parents of what may be exceptional.

Whilst Head teachers may wish to adopt a policy, they should not restrict their discretion and thus prevent them assessing each application on its own merits. If Head teachers were to use a blanket policy, it could potentially amount to an unlawful impeding of discretion under administrative law principles.

Head teachers may wish to give regard to events that are of particular importance or significance in a child's life, and unlikely to happen on regular basis, if ever again.

Schools are required to use their communication channels to inform parents about the regulations and school processes e.g., Attendance Policy, Website, prospectus, newsletters, assemblies. Warwickshire Attendance Service provides example extracts for school to utilise.

Where a school notifies the Warwickshire Attendance Service that a child has had an unauthorised absence from school, the Warwickshire Attendance Service are required to consider if an offence has been committed under Section 444 of the Education Act 1996, that a parent has failed to secure their child's regular attendance at school during that period.

The Warwickshire Attendance Service does not and cannot ratify a school's decision regarding absences and to do so would amount to an unlawful act; the law is clear it is a decision for the school to make. However, when considering whether to take legal action (by way of Penalty Notice or prosecution proceedings), Warwickshire County Council is required to consider the principles within Guidelines of Crown Prosecutors and whether the circumstances of a prosecution are within the public interest.

National Threshold for Penalty Notices

The 'Working Together to Improve School Attendance' guidance outlines the threshold for considering a Penalty Notice is 10 sessions of unauthorised absence in a rolling period of 10 school weeks.

This threshold does not support the right of a parent to take children away on holiday, quite the contrary. The DfE have removed the use of the H code (authorised holiday) as they do not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance.

In making its decision whether a decision to issue a Penalty for Leave of Absence is in line, the Warwickshire Attendance Service must consider whether the issuing of such a notice is in accordance with Warwickshire County Council's (WCC) Non-School Attendance and Penalty Notices Code of Conduct (WCC FPN Code of Conduct). (A copy of which can be found at <https://www.warwickshire.gov.uk/pupilnonattendance>).

A Penalty Notice is an alternative to prosecution and provides a parent with an opportunity to discharge their liability for the offence.

- Penalty Notices are issued to each parent of each absent child, (for example 2 children and 2 parents, means each parent will receive 2 invoices – 4 in total).
 - o First Leave of Absence offence: The Penalty Notice amount of £160 to be paid within 28 days, this is reduced to £80 each child if paid within 21 days.
 - o Second Leave of Absence offence within a 3 year period (from the date of issue of the first penalty notice): The amount of £160 paid within 28 days. No reduced amount.
- Third Leave of Absence offence within a 3 year period (from the date of issue of the first penalty notice): A penalty notices will not be issued, and the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996.

Penalty Notices can only be used for periods of unauthorised absence and the defences in law replicate those already in place under Section 444 of the Education Act 1996.

When a parent fails to pay the penalty notices or there is a third Leave of Absence within a 3 year period (from the date of the issue of the first penalty notice), Warwickshire County Council are obliged to consider the instigation of legal proceedings for an unauthorised absence from

school under Section 444, where it is appropriate to do so. This is a criminal prosecution and is heard before the Magistrates Court.

It is therefore imperative that schools are open with the Warwickshire Attendance Service about Leave of Absence matters and provide details of any and all information (including emails, records of conversations) in order to be able to make sound decisions about potential prosecution proceedings, to avoid misleading the court and to ensure that it cannot be accused of “abuse of process”.

Warwickshire County Council will not proceed with any matters where there is any doubt over the validity or availability of the information provided by the school.

Head teachers should ensure within their school:

- All staff are aware of the Leave of Absence process and the importance of their role.
- All attendance registers are completed accurately and coded in line with the DfE coding guidance.
- Personal data & information stored on the school's systems are accurate and in line with The School Attendance (Pupil Registration) (England) Regulations 2024 and The Education (Information About Individual Pupils) (England) (Amendment) Regulations 2024.

Getting Started

It is a Head teacher's decision if a school wishes to be a referring school; however, it is beneficial to have the support of the Governing body.

For the Local Authority to process referrals for Leave of Absence Head teachers are required to agree to comply with the WCC FPN Code of Conduct. In agreeing to this, the Head teacher agrees to ensure that going forward, **all unauthorised LoA will be referred to Warwickshire Attendance Service**. Head teachers will be requested to confirm this decision in writing (or email).

Once confirmed:

- WAS will provide a Leave of Absence pack.
 - Schools must utilise the pack as provided by WAS in full and make no changes to letters (with the exception of adding school logos).
- The school's attendance policy must be up to date, clearly outlining the Leave of Absence expectations and published on the school website. (A Leave of Absence policy insert is available in the LoA pack, and we ask that it is embedded within the policy, in full, without change).
- A copy of the school's newsletter outlining the Leave of Absence expectations to be sent to parent at least once per academic year (recommended in September). (A Leave of Absence newsletter insert is available in the LoA pack, and we ask that it is embedded within school newsletters, in full, without change). It is advised a copy of newsletters are enclosed with new starter packs, thus informing new parents of the schools' expectations.
 - Copies of newsletters provided to transitioning pupils, thus informing new parents of the school's expectations.
 - Copies of newsletters can be shared on the school website.
- Ensure that all paperwork utilised for the Leave of Absence process is the current documentation as supplied by the Warwickshire Attendance Service.

The documentation provided in the WAS pack has been ratified by WCC's Law and Governance and therefore we ask that it is utilised as provided, without change. The documents also support the WCC Code of Conduct.

The Regulations do not state how or in what form a request for leave of absence must be received nor how much notice a resident parent must give. The Warwickshire Attendance Service suggests that parents are encouraged to complete and submit the Leave of Absence application form and provide any supporting evidence as to exceptional circumstances. The form within the WAS pack has been agreed with the WCC's Law and Governance. However, should a parent submit an application via email, letter or verbally, schools must accept this as the application and process accordingly.

When Head teachers accept verbal requests, it is essential to keep accurate notes of any conversations with parents including details of the exceptional circumstances that they provide, dates and times of those conversations and what was discussed.

Regardless of the method in which the request is received, the school's decision should be communicated to the parents at the earliest opportunity and before the period of leave commences. All decisions must be confirmed in writing outlining the reasons for the decision using the documents provided by the Warwickshire Attendance Service.

NB: It is good practice to inform parents as soon as possible that any absence will be unauthorised and could result in a Penalty Notice, thus allowing them to make an informed decision as to if they continue to take the leave or not.

Where ANY conversations are held with the parents regarding the LoA request, detailed and accurate records must be kept, dated and signed by the member of staff who has had the conversation. All information and documentation the school holds in relation to the leave of absence is relevant and must be considered by WAS when making its decision to instigate legal action against the parent (Penalty Notice or otherwise).

Who Can Apply for A Leave of Absence?

The law only permits schools to consider applications for leave which are made by the parent with whom the child normally resides (resident parent). Any applications received from nonresident parents cannot be considered and the non-resident parent should be notified of this using the appropriate model letter provided by the Warwickshire Attendance Service.

- Letter D signed by the Head teacher (or designated member of staff), dated, and posted first class and sent to non-resident parent only.
- (School use box should NOT be completed nor included with the letter).
- No further communication with the non-resident parent is required at this time.
- It is recommended that schools should not contact the resident parent to discuss the LoA application, in order to avoid becoming embroiled in the parent's domestic situation.

School to keep record of the LoA dates in relation to the pupil – Do not enter onto the Attendance module of SIMS but comments box can be utilised to note dates.

- If a LoA request form is then received from the resident parent school processes the application as normal.
- If no LoA request is received, then the school contacts the resident parent in line with normal absence procedures when the pupil is absent from school; it is important that the school follow the LOA not applied for in advance process as outlined in section 6. We advise that the LOA application from the non- resident parent is not referenced in any communication.

N.B. *The Education Act 1996 defines a 'parent' as a). any natural parent, whether married or not, b). any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person c). any person who, although not a natural parent, has care of a child or young person.

Leave of Absence Applied for In Advance

Parent with whom the pupil **normally resides** submits a Leave of Absence request (written or verbal), detailing their exceptional circumstances in advance of the holiday.

NB: Parents do not have to complete a LOA application form to be deemed as a LOA request. This application can be in the format of an email, letter, application, text or verbal discussion etc.

Head Teacher or person authorised by them considers the request and whether circumstances of the application are exceptional.

The school should keep detailed and accurate records of **ALL** conversations and communications held with the parents regarding the LOA application and decisions – dated and signed (record sheet available in the WAS pack) and forwarded with any referrals.

- For LOA requests in advance the school use only box of a LOA application form should be completed, dated and signed regardless of whether an application form has been submitted by the resident parent.

Each application must be considered on a case-by-case basis and on its own merits.

Absence Authorised

Head Teacher or designated member of staff agrees number of days and expected date of return and informs parents utilising letter B that leave has been authorised.

Action:

- School use box must be completed in full, outlining reason why the absence was authorised, and a copy enclosed with the letter to parents.
- School must send one letter to each parent for each child and ensure that address blocks have the name of the parent above, so it is clear who it is addressed to if window envelopes are utilised. Please remember that the letters should be signed by the designated member of staff responsible for making the decision to authorise the absence.
- Letters must clearly state the period of absence authorised.
- Ensure that the date on the letter matches the date the letter was posted.
- Individual letters must be posted home – not sent in pupils book bags.

School to keep record of the LoA dates requested and note that the leave has been authorised in relation to the pupil's absence – Do not record the absence in advance onto the schools Midas system (ie Sims/Arbor/Bromcom etc) but instead utilise the comments box as a reminder for nearer the time.

For safeguarding purposes, it is advised that on the first day of absence the school follow the school's absence procedures to check that the holiday has been taken and that the child is safe.

Once the absence has been confirmed as holiday then the school can utilise the C code (which is now the new authorised holiday code) for the period requested.

Any additional absence taken prior to or following the requested period of absence requires additional investigation on part of the school. If school establishes that the absence is connected to the leave of absence, then the sessions may be unauthorised and parent(s) may be liable to further action including the issue of a Penalty Notice or prosecution through the court.

Absence Unauthorised

Head Teacher or designated member of staff makes the decision to unauthorise the absence and informs parents utilising letter A that leave has been unauthorised. This letter should be posted by first class post in advance but at least 3 working days prior to start of the leave to ensure it will have opportunity to arrive (ie on the Tuesday before the holiday starts on the Monday).

Action:

- The school use only box on LoA form must be completed in full outlining the reason, dated and signed by the Head teacher / designated member of staff making the decision.
- Letter A – school must send one letter to each relevant parent for each child signed by the Head teacher or designated member of staff who made the decision to unauthorise the LoA dated and posted first class.
- Ensure that the date on the letter matches the date the letter was posted.
 - o The signature on this letter must match the school use only box (please contact us to discuss if you are unsure about this).
- It is recommended a copy of the completed school use only box is enclosed with each letter.
- Letter A sent – School must send one letter to each relevant parent for each child.
- Ensure that the date on the letter matches the date the letter was posted.
- It is good practice to call / text / email to the relevant parent(s) to advise that the application for LoA is not authorised and a letter to confirm this decision will be sent in the post.

School to keep record of the LoA dates requested and note that the leave has been unauthorised in relation to the pupil's absence – Do not enter the G – Unauthorised Holiday code onto the schools Midas system (ie Sims/Arbor/Bromcom etc) in advance of the absence but instead utilise the comments box as a reminder for nearer the time.

Any additional absence taken prior to or following the requested period of absence requires additional investigation on part of the school. If school establishes that the absence is connected to the leave of absence, then the sessions may be unauthorised and parent(s) may be liable to further action including the issue of a Penalty Notice or prosecution through the court.

Prior to issuing a penalty notice, the Warwickshire Attendance Service writes to parents to provide an opportunity for them to provide additional evidence or information. If the parent contacts the school with additional information this must be communicated to WAS as a matter of urgency. In turn, if the parent contacts WAS directly, we will share any information provided with the school as appropriate.

Requests received at short notice

When a request has been received at short notice i.e., the letter cannot be posted first class with at least 3 working days prior to the start of the leave. School **is advised to** contact parents verbally or via normal communication routes (class Dojo or email) and inform them of the decision to unauthorise the absence, giving the reason and possible referral to Warwickshire Attendance Service for a FPN should the leave be taken. LoA followed up in writing and posted first class.

Action:

- The school use only box on LOA form must be completed in full outlining the reason, dated and signed by the Head teacher / designated member of staff making the decision.
- Letter A signed by the Head teacher / designated member of staff, dated and posted to parents first class. It is recommended a copy of the completed school use only box is enclosed with each letter.
 - The signature on this letter must match the school use only box (please contact us to discuss if you are unsure about this).
- It is recommended a copy of the completed school use only box is enclosed with each letter.
- Letter A sent – School must send one letter to each parent for each child.
- Ensure that the date on the letter matches the date the letter was posted.
- It is good practice to call / text / email to the relevant parent(s) to advise that the application for LoA is not authorised and a letter to confirm this decision will be sent in the post. Please ensure accurate records are kept and shared at the point of referral. See examples below:
 - An accurate record of any discussion with parent(s), dated and signed by the member of staff.
 - Record log of contact attempted but not established. Please specify dates and times.
 - Copies of all texts, emails, messages etc between the school and the parent

For safeguarding purposes, it is advised that on the first day of absence the school follow the school's absence procedures to check that the holiday has been taken and that the child is safe.

Any additional absence taken prior to or following the requested period of absence requires additional investigation on part of the school. If school establishes that the absence is connected to the leave of absence, then the sessions may be unauthorised and parent(s) may be liable to further action including the issue of a Penalty Notice or prosecution through the court.

Prior to issuing a penalty notice, the Warwickshire Attendance Service writes to parents to provide an opportunity for them to provide additional evidence or information. If the parent contacts the school with additional information this must be communicated to WAS as a matter of urgency. In turn, if the parent contacts WAS directly, we will share any information provided with the school as appropriate.

Split Decisions on Leave of Absence request

Each application must be considered on a case-by-case basis and on its own merits with a common-sense approach. There may be some applications where it is considered appropriate, based upon the information available, to authorise only part of the period requested.

In these situations, schools may need to gather more information from the parents, for example, establishing the actual date(s) of the event you intend to authorise the absence. It is advised that this gathering of information must not overly delay the decision to authorise / unauthorise an absence and it is important all discussions must be accurately recorded and forwarded with any referrals to the Warwickshire Attendance Service.

Schools need to ensure a fair and consistent approach, with a clear rationale as to why only part of the leave should be authorised.

Schools will follow the same procedures as when it refuses a LoA however utilising letters E in the place of letter A – unauthorised absence as above. Letters MUST clearly state which days have been authorised (in line with the evidence provided) and which days have NOT been authorised and the reason why.

The LoA form - school use only box is to clearly state which absences have been authorised and which have NOT been authorised AND the reason for the decision.

Action:

- Letter E sent – School must send one letter to each relevant parent for each child signed by the Head teacher or designated member of staff, dated and posted first class.
 - Ensure that the date on the letter matches the date the letter was posted.
- School to ensure reasons for LOA being declined are enclosed with letter; it is recommended the school use only box on LOA form completed in full outlining the reason and a copy enclosed with letter E for parents' information.
- The signature on this letter must match the school use only box (please contact us to discuss if you are unsure about this).
- An accurate record of the communication with parent made, dated and signed.
- It is good practice to send a call / text / email to the relevant parent(s) to advise that the application for LoA is only part authorised and a letter to confirm this decision will be sent in the post.

Any additional absence taken prior to or following the requested period of absence requires additional investigation on part of the school. If school establishes that the absence is connected to the leave of absence, then the sessions may be unauthorised and parent(s) may be liable to further action including the issue of a Penalty Notice or prosecution through the court.

Prior to issuing a penalty notice, the Warwickshire Attendance Service writes to parents to provide an opportunity for them to provide additional evidence or information. If the parent contacts the school with additional information this must be communicated to WAS as a matter of urgency. In turn, if the parent contacts WAS directly, we will share any information provided with the school as appropriate.

NB. If the application is at short notice, then parents should be contacted and advised which days are authorised and which are not and the reason for this decision. Records of discussions / attempts must be made and forwarded with the referral.

Leave of Absence Not Applied for in Advance.

On first day of absence, school follow their absence procedures as outlined in their attendance policy.

It is important to note for LoA that school must not rely on hearsay* when speaking to parents. School must establish with the **resident parent** that the absence was for the purpose of a family holiday.

Scenario's

1. School contact resident parents who openly state they are on holiday. **During the conversation / response school are advised to inform parents that as LoA not applied for in advance the LoA will not be authorised, and referral to WAS.**
2. School receives communication from resident parent stating they are on holiday. (i.e., voice message / email). **School should make contact with the resident parent(s) to inform them as LoA not applied for in advance the absence will not be authorised, and referral to WAS.** If contact cannot be established school will be required to demonstrate how they attempted to establish contact over a sustained period – suitable evidence includes records of voice messages, texts or emails. Ideally class DoJo or similar internal communication should not be used as parents may not check this until their return.
3. Where a school is unable to establish contact as part of their school procedures, (evidence of daily attempts and / or home visits will be required) but then receive a letter after pupil returns to school from resident parent informing school that pupil had been absent due to holiday / LoA. **It is suggested that a courtesy call is made to the parents to acknowledge that the note has been received but as the LOA was not applied for in advance then the absence will be unauthorised and the matter referred to WAS.**
4. School contacts / receives communication from resident parent to advise pupil absence is due to holiday but with non-resident parent. School confirms with resident parent that the absence has not been applied for in advance and therefore, will be unauthorised and the matter referred to WAS. **It is advised, if the school has no knowledge of the non-resident parent that they make the appropriate enquiries.** School should then follow up in writing to both parents.

If you have a scenario which the examples above do not cover, please call the WAS team to discuss.

Clear accurate documentary evidence must be gathered by the school which demonstrates the absence procedures have been followed, the admission was from the resident parent and how the school responded to that admission (this can be evidence of record logs, emails, text messages etc). Evidence should ideally show that parents were advised, as the LoA was not made in advance, it would be unauthorised and will be referred to WAS. It is important that each and every conversation with parents in relation to the LOA request **must** be logged as soon as possible after the conversation and include accurate details of the name of the parent, dates, times and the content of discussions.

Once the dates of the LoA have been established then the school **must** confirm in writing to parents in a timely manner that the LoA was not authorised.

Action:

- Letter C to be sent to each relevant parent for each child informing that the leave of absence is not authorised as it was not applied for in advance.
- Letters must be signed by the Head teacher or designated member of staff responsible for leave of absence and dated the day the letter is posted.
- **The school use only box MUST NOT BE COMPLETED.**
- Letters must be posted first class.
- It is good practice to send a text / email to the relevant parent(s) to advise that the LoA was not applied for in advance and therefore is not authorised and a letter to confirm this will be sent in the post.

Prior to issuing a penalty notice, the Warwickshire Attendance Service writes to parents to provide an opportunity for them to provide the Local Authority with additional evidence or information. If the parent contacts WAS we will share the information with the school as appropriate. As this LoA was not applied for in advance, should the parent contact the school with additional information we ask that the parent is signposted back to WAS (please contact WAS to notify us of the discussion).

NB: * Hearsay includes details from pupils' friends, other relatives and social media. It is acceptable to ask the resident parents are / have you been on holiday? However, do not be tempted to say to the parent "....." has told us you are / have been on holiday or 'we have seen on social media that you have been on holiday'.

Parent with identified language/Adult literacy barriers

All LoA requests must be processed in line with school procedures and Warwickshire Attendance Services' guidance.

Language barrier – Additional support must be evidenced to ensure that all parties involved in LoA request are informed and understand that LoA will be unauthorised, including the reason and that this could result in a Penalty Notice being issued.

- Schools' 'Language' extract can be included in paperwork.
- Letter read to all relevant parties.
- Log of discussions must be kept.
- Language barrier must be identified in referral to Warwickshire Attendance Service.

Adult Literacy - Additional support must be evidenced to ensure that all parties involved are informed and understand that LoA will be unauthorised, including the reason and that this could result in a Penalty Notice being issued.

- Letter read to all relevant parties.
- Log of discussions must be kept.
- Literacy barriers must be identified in referral to WAS.

Data Protection Expectations

To manage information risk and to comply with and to comply with The School Attendance (Pupil Registration) (England) Regulations 2024 and The Education (Information About Individual Pupils) (England) (Amendment) Regulations 2024, it is vitally important that schools keep accurate and up to date information relating to every pupil on roll.

The regulation amendments reference schools keeping accurate records on the following:

- Pupil's full legal name (and if appropriate, their preferred name).
- The name, address and contact details of every person known to the school / academy who is a parent* to the pupil with whom the pupil normally resides (this is the address that has been used to register with their GP).
- The name, address and contact details of any additional parent*.
- Any other emergency contact details.

In order to gather this information, every year we advise schools send out data collection forms or similar inviting parents to update their information. An extract of this request is attached in the LoA pack.

If a school is informed of a change of circumstances following a referral for an LoA them they must inform WAS as a matter of urgency to avoid potential data protection breeches.

Referral to The Warwickshire Attendance Service

Once the pupil has returned to school following an unauthorised Leave of Absence a referral ought to be made to the Warwickshire Attendance Service in a timely manner.

It is important that there are no unnecessary delays to the issuing of Penalty Notices and therefore we cordially request that referrals are made within 5 working days of the pupil's return from the Leave of Absence.

Whilst we acknowledge this timescale may, on occasion, not be possible/practical we would ask you to contact us to discuss. It is important to note as a referring school an agreement is in place to be fair and consistent in referrals in line with the Warwickshire County Council Code of Conduct.

To avoid delays in processing referrals it is important that **ALL** documents are forwarded at the point of referral. This should include:

- LoA referral form.
- Up to date attendance certificate showing the absence coded as G – unauthorised holiday. **As of September 2025, we will require an attendance certificate for the last academic year (September 2024-July 2025) as well as September 2025 onwards.**
- Copies of letters sent to the parent(s).
- Copies of any further correspondence.
- Copies of any record logs of communications.

In addition to this for LoA applied for in advance:

- Copy of the Leave of Absence request (i.e., form, emails letters).
- Copy of completed school use only box.

Alternatively, for LoA not applied for in advance:

- Evidence of school following their first day absence procedures.
- Evidence of LoA not applied for in advance – ie record log of discussion with the resident parent outlining the absence as a holiday and the schools response.

Further information available on the optional referral checklist.

Where WAS determine it is appropriate to issue a penalty notice/prosecution, the school will be advised via email including a copy of the letter(s) to parents and a copy of the official Certificate of Attendance for Head teachers to sign and date in full. Guidance and support will then be given to school as to what happens next including support should the penalty notice expire unpaid and/or it is necessary to initiate prosecution proceedings against the parent.

Where a referral does not result in a penalty notice being issued; the school will be advised by WAS via email including a copy of the 'Leave of Absence- Notice of required improvement' letter to parent(s).

Should you have any further questions in relation to this procedure or wish to become a referring school please contact the Leave of Absence Statutory Referral line on 01926 413777 or via email on wasstatutoryreferral@warwickshire.gov.uk

Other Useful Information

Defining who is a parent

It is important that schools and local authorities are aware that parents may be recognised differently under education law and under family law. [Section 576 of the Education Act 1996](#) states that, in relation to a child or young person, a 'parent' includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility for or care of the child.

For the purposes of education law, the Department for Education (DfE) considers a 'parent' to include:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person – this could be an adoptive parent, a stepparent, a guardian or other relative
- any person who, although they are not a biological parent and do not have parental responsibility, has care of a child or young person.

A person typically has care of a child or young person if the child lives with them either full or part time and they look after them, irrespective of what their biological or legal relationship is with the child.

Who to Refer

As only a resident parent can apply for a Leave of Absence then they must always be included in the referral. If both parents live in the family home, then both will be included in the referral.

Stepparents living in the family home, who may have Parental Influence (PI) in the absence (i.e. went on holiday) should also be considered.

In the event of a non-resident parent taking the child on holiday the resident and non-resident parent would be referred. If you are unsure who to refer, please contact us to discuss further.

Absences Due to Parents Employment

The legislation is silent on requests made in connection with employment restrictions. It is the Head teacher's decision if an absence is authorised or not. If a parent decides to provide evidence from their employer, then these should be considered in the decision making.

Funerals Abroad

Parents requesting leave because of a death of a close relative should have their applications viewed on their merits. Such events can be distressing for families. Applications must not be treated differently from applications to attend a funeral in the UK because the relative lives abroad. However, before making a decision to authorise the request schools are advised to look at the length of time for planned absence, see whether requests for similar circumstances are a regular occurrence. School could request written confirmation of the date of plane tickets were booked in order to ascertain whether the claim is genuine. If the application is authorised, schools can code the absence as 'C' to reflect the circumstances. However, if the school feel that the length of request is disproportionate, they can make a split decision on the absence and authorise part of the absence but not all.

Family Emergencies

Family emergencies need careful consideration. It is not always in the best interest of the pupil nor appropriate for them to miss school for family emergencies that are being dealt with by the adult family members. School and school relationships can provide pupils with stability and care during difficult times. Head teachers are within their rights to turn such applications down and refuse authorisation for parents to take their child out of school during term time. Schools should record the number and frequency of absence taken for this purpose throughout a pupils' school career in order to assess the potential impact on a pupil's education and support offered by the school as appropriate. If the absence is not for the purpose of a family holiday, then the appropriate DfE coding guidance is O – unauthorised absence.

Removing a Pupil From Roll

Pupils may not be removed from roll just because they have taken an unauthorised term time leave. They may only be deleted from the admissions register if the grounds for deletion outlined in The School Attendance (Pupil Registration) (England) Regulations 2024 are met.

If a pupil fails to return from an authorised or unauthorised Leave of Absence the school should ensure they follow their safeguarding procedures in the first instance and contact the Local Authority for advice if required.

Non-Compulsory Age Pupils

Head teachers can consider applications made by parents in relation to non-compulsory age pupils in line with the school's process for what is an exceptional circumstance. If the reason provided by parent is not an exceptional circumstance, then it is the Head teachers decision to unauthorise the absence.

Penalty Notices can only be issued for children who are compulsory school age at the time of the absence.

For school information, the guidance in relation to compulsory school age states - 'Your child must start full-time education once they reach compulsory school age. This is on 31 December, 31 March or 31 August following their fifth birthday - whichever comes first.'

Pupils who turn 16 in the final year of their education (Sept to August) are no longer compulsory age on the last Friday in June.

Reception pupils:

Schools are encouraged to follow the same LOA process for pupils in reception as in other year groups. This includes utilising the letters provided by WAS in full.

Referrals are to be made and WAS will send a requires improvement letter to parents.

Sixth form or Nursery pupils:

We would ask that schools do not utilise the legal letters for these pupils.