

Leave of absence during term time

Updated information for parents

The Supreme Court recently reached a decision in the case of Platt v Isle of Wight Council which has clarified the law on unauthorised leave, including holidays, during term time. The parents of children of compulsory school age are required to ensure that they attend school on a regular basis. The Supreme Court has made clear that attending school 'regularly' means that the children must attend school on every day that they are required to do so. As such, the parents of any child who is absent from school without authorisation for any length of time are likely to be considered as committing an offence under s444 of the Education Act 1996.

Head Teachers retain the ability to authorise leave in accordance with the Education (Pupil Registration) (England) Regulations 2006. When considering such requests for a leave of absence, the school are obliged to act within the law. Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances relating to the application. If the leave is granted, head teachers are able to determine the number of school days a child can be absent for.

It is for the Head Teacher to decide what is 'exceptional' and it is at their discretion if the circumstances warrant the leave to be granted. The school can only consider Leave of Absence requests which are made by the 'resident' parent.

Each application for a leave of absence will be considered on a case by case basis and on its own merits.

Where applications for leave of absence are made in advance and refused, the child will be required to be in school on the dates set out in the application. If the child is absent during that period, it will be recorded as an unauthorised absence, which may result in legal action being taken against the parent(s), by way of a Fixed Penalty Notice.

Failure to make an application for leave in advance can also result in a Fixed Penalty Notice being issued to the parent(s).

All matters of unauthorised absence relating to a Leave of Absence will be referred to the Warwickshire Attendance Service, part of Warwickshire County Council.

It is important to note, Fixed 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 in the amount of £120 each, totalling £240 for both children, this is reduced to £60 per child if paid within 21 days).

Where a Fixed Penalty Notice is not paid within the required timeframe as set out on the notice, the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal proceedings under S444 Education Act 1996.

Fixed Penalty Notices are issued in accordance with Warwickshire County Council's Code of Conduct for Penalty Notices.

Your child's progress academically as well as socially is our shared priority

Warwickshire School pupils recorded 37,021 half day sessions of absence due to holiday in the Autumn/Spring terms 2021/22.