

30 May 2017

Children's Services
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

LA Circ: A109/17

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INFORMATION FOR PARENTS / CARERS

Re: Unauthorised absence from school – including requests for Leave of Absence (holidays in term time)

There has been much media attention over the last year regarding Leave of Absence (holidays in term time) where the term 'regular' has been considered at some length by the courts.

On 6th April 2017 the Supreme Court released its judgement that the term regular means 'in accordance with the rules prescribed by the school' i.e. to attend for all the sessions that the school is open.

When a child is absent from school where this has not been authorised a parent /a carer can be held accountable for an offence under Section 444 of the Education Act 1996 – failure to secure the regular attendance at school of a child.

It is the responsibility of the Headteacher to consider whether absences are authorised or not dependent upon the reason provided by the parent / carer. Therefore, if the school advises a parent / carer that unauthorised absence has been accrued or that a Leave of Absence will be marked unauthorised there would be evidence of the child failing to attend school regularly.

Where there is evidence of unauthorised absence the school has a duty to notify the Local Authority for the consideration of the issuance of a Penalty Notice to each parent / carer.

As retrospective authorisation is not permitted for instances of Leave of Absence (holidays in term time) prior permission should be sought direct from the school prior to any Leave of Absence being taken.

There is no automatic right to authorised absence from school and it remains the responsibility of the Headteacher to determine whether or not authorisation is permitted.