

Extract provided by the Audit and Compliance team (WAS) regarding evidential requirements for leave of absence.

Absence and Attendance Recording, Including Leave of Absence

When marking our registers, we will apply the national codes as outlined and regulated by the Department of Education guidance to accurately record and report attendance.

Leave of absence

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

- Taking part in a regulated performance or employment abroad
- Attending an interview
- Study leave
- A temporary, time-limited part-time timetable
- Exceptional circumstances*

The headteacher can also allow pupils to be absent from the school site for certain educational activities or to attend other schools or settings.

*The law states that a leave of absence may only be granted by a school if an application is made in advance and if the school considers there are exceptional circumstances relating to the application.

A leave of absence is granted entirely at the school's discretion. Permission may only be given by a person authorised by the school's proprietor to do so. Each application must be judged individually, taking into account the specific facts, circumstances, and relevant background context behind each request.

In general, a need or desire for a holiday or other absence for the purpose of leisure and recreation does not constitute an exceptional circumstance. Where a leave of absence is granted, the school will determine the number of days a pupil may be absent.

The school can only consider applications for Leave of Absence made by the resident parent. i.e the parent with whom the child normally resides.

Parents making an application for Leave of Absence are advised to provide sufficient information and notice to allow the Headteacher to consider all exceptional circumstances and notify the parents of their decision. The school may request further information or supporting documentation where appropriate.

If parents have not received notification or a response regarding the leave of absence application, it is their responsibility to confirm whether the leave is authorised prior to the start of the absence.

Where applications for Leave of Absence are made in advance and refused, the child is expected to attend school on the dates set out in the application. If the child is absent during

that period, the absence will be recorded as an “unauthorised”. If additional days are taken either before or after the requested period, they may also be considered as part of the leave of absence.

Applications for Leave of Absence that are not made in advance cannot be authorised in line with legislation, and any such absence will be recorded as ‘unauthorised’.

All matters of unauthorised absence relating to a Leave of Absence will be referred to the Warwickshire Attendance Service of Warwickshire County Council. Penalty notices are issued in accordance with Warwickshire County Council’s Code of Conduct for Penalty Notices and in the first instance, as an alternative to prosecution proceedings.

When absence is granted by the head teacher, the parent will need to agree a date of return. If a pupil fails to return on the expected date and contact is not received from, or made with the parents, school will seek advice from the Local Authority. This could result in a possible children missing from education procedure being instigated.

Penalty Notices

Penalty notices will be issued by the Local Authority on request of the Head teacher to parents or carers if your child(ren) are absent from school. Penalty notices will be issued in line with the National Framework for Penalty Notices. Penalty Notices are issued in accordance with Warwickshire County Council’s Code of Conduct [WCC PN code of conduct](#).

The national threshold set out in the statutory guidance states that a penalty notice must be considered for 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period. The 10-week period may span different terms or school years.

The school will prioritise a ‘support first’ approach offering support to families in cases where it is appropriate. Penalty notices can still be issued where support is not appropriate, such as leave of absence in term time or when support has not been engaged with.

If the Local Authority believes a penalty notice would be appropriate in an individual case, the Authority shall retain the discretion to issue one before the threshold is met. An example of this is where parents are deliberately avoiding the national threshold by taking several term time holidays below threshold, or for repeated absences for birthdays or other family events.

Penalty Notices will be 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).

- First penalty notice: The amount of £160 to be paid within 28 days, this is reduced to £80 each child if paid within 21 days.
- Second penalty notice 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.

A national limit of 2 penalty notices that can be issued to a parent of the same child within a rolling 3-year period has been set within the National Framework, so at the 3rd (or subsequent) offence(s) a Penalty Notice will not be issued. The matter will be referred to Warwickshire County Council’s Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996 or alternative action may be considered including other legal interventions.