

Attendance Guidance
Family Holidays and Extended Trips
Overseas During Term Time

Updated to include
The Education (Pupil Registration) (England)
(Amendment) Regulations 2013

To be implemented from 1 September 2013

Why are we issuing guidance to Headteachers and Governors?

Recent changes to The Education (Pupil Registration) (England) (Amendment) Regulations 2013 have thrown up several questions and this document is aimed at offering an explanation and advice to headteachers to ensure, where possible, a consistent approach across schools in North Somerset.

What the new amendment says

The Regulations amend the Education (Pupil Registration) (England) Regulations 2006

Regulation 7 of the 2006 Regulations is amended to prohibit the headteacher of a maintained school granting leave of absence to a pupil except where an application has been made in advance and the headteacher considers that there are exceptional circumstances relating to the application.

Does this guidance apply to all children and young people at school?

It applies to all young people in Years 1 – 11, and it also applies to Reception age children who are of statutory school age. Children reach statutory school age in the term (old term) after they are 5, e.g. a child with a January birthday is of statutory school age in the term after Easter.

It does not apply to children placed in the Nursery at infant or primary schools, or to those in 6th Form of secondary school.

Should we amend our School Attendance Policy?

The answer is yes, and support if required can be offered, by your Education Welfare Officer. This amendment to The Education (Pupil Registration) Regulations expect all schools to take a much firmer stance on requests for any pupil leave during term time. In the school attendance policy there must be explicit reference to holiday and extended leave during term time. Parents must feel that they will receive equal treatment from the school in terms of requests. Your governor with responsibility for attendance and/or pastoral matters may wish to be involved in the revising of the policy. If you wish the Education Welfare Service to consider issuing Penalty Notices, this must be clearly written into your attendance policy. Again there have been recent amendments to the guidance for issuing Penalty Notices.

In addition, it is recommended that there is a statement about request for absence in term time in your Home-School Agreement and regular continual reminders to families that term time requests will rarely be agreed.

What effect will these changes have upon the school?

Schools will see an increase in unauthorised absences and with this Ofsted inspections will ask for greater clarity from a school, as to what was done to address the unauthorised absence? One option that a school may choose to take is by issuing Penalty Notices**. This will demonstrate a firmer stance being taken by the school in relation to holiday absence.

**The Local Authority will not issue a Penalty Notice without the agreement first of a headteacher.

If despite Penalty Notices being issued a parent/carer continues to take their child/ren out of school during term time, the matter may then be taken before magistrates under Section 444(1) Education Act 1996, where the Courts have a wider range of sentencing options, which could include a maximum fine of up to £1000.

Under section 7 of the Education Act 1996, parents of a child of compulsory school age are under a legal duty to ensure the regular attendance of that child in school where she/he is registered. Failure to discharge this duty may result in the LA prosecuting the parents.

Likewise, if a Penalty Notice is not paid, the matter will be taken to court under a 444(1).

If there are no consequences for parent/carers who continue to take children out of school during time, not only will their education suffer, but it also gives the message that nothing is ever done and is not considered serious.

Penalty Notices

There is an information leaflet and Code of Conduct available from the Education Welfare Service on Penalty Notices.

Penalty Notices require each parent of a child of compulsory school age, whose attendance has been unsatisfactory, to pay a penalty, currently £60.00 if paid within 21 days or £120.00 if paid within 28 days. For example, 2 parents with 3 children would have to pay a total fine of £360.00 if paid within 21 days or £720.00 if paid between 21 and 28 days.

Is there guidance on what is deemed to be 'exceptional circumstances'?

The guidance offers limited examples of exceptional circumstances.

- Forces Personnel on leave from a foreign posting
- Parents' employment restrictions – there are few employers who restrict their employees' holiday leave. You may wish to consider asking for some evidence from the employer **
- Exceptional significant family events or circumstances –these will need to be considered individually.

**When consulting with some headteachers in North Somerset, there is a desire to remove this as an option, as it is felt this is being manipulated and encouraging employers to assist employee requests, even when there are not restrictions on leave requests.

Point 3 still gives headteachers the final say on what 'event' should warrant a request being authorised.

Examples of requests which are not considered exceptional?

- Relatives coming to visit
- Cheaper holidays in England and abroad
- Family day trips
- Visiting family/friends that have different half terms or holidays.
- Because a child has school attendance in the high 90%

What procedure should be followed in terms of a request for leave under exceptional circumstances?

A clear message needs to go out to all parents/carers that requests to take children out of school will be rare. The LA is fully supportive of this and will back any school, head teacher or governing body if required, as long as the school attendance policy reflects a clear policy on term time requests for leave and the issuing of Penalty Notices.

Parents and carers must always fill in a request for leave using the exceptional circumstances form to request holiday absence during term time along with any supporting evidence.

Parents must do this before they book any holiday and allow a headteacher sufficient time to respond to the application.

If absence is unauthorised, the Education Welfare Service can issue a Penalty Notice which can result in prosecution if it is not paid by both parents/carers. Headteachers should be aware that they can be asked to give evidence in Court to justify why they have not authorised holiday absences, It is therefore very important that the school policy is clear and the Head can justify decision making.

What will the LA do in support of schools?

- Clear guidance, updated as education laws changes
- Prompt support from your EWO to answer queries and support actions taken by the school
- Further support from the Education Welfare & Early Intervention Lead if any parents seeks further information from the LA
- Education Welfare Service will assist in various interventions such as, the issuing of Penalty Notices, court cases, home visits, meetings in school, warning letters and other interventions
- Training for governors re attendance.

Finally

Adopting this guidance in all schools will, it is predicted, have a positive effect in raising overall attendance in our schools and ensuring our children don't suffer disruption in their learning, time with friends and classmates, but also preventing under achievement through absence from school.

Peter Noble
Education Welfare & Early Intervention Lead
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