



## **INSTRUCTIONS TO ESSEX SCHOOLS ON PUPIL HOLIDAYS IN TERM TIME ISSUED BY THE LOCAL AUTHORITY**

**It is important that schools discourage parents from removing their children from education for any reason as absences may have a negative impact on the pupil's educational attainment and progress. A pupil who takes ten days absence will only attain 94.7% attendance in the year. Ten days absence also means the pupil will miss 50 hours of education.**

Parents should not take their children on holiday during term time and must apply for leave of absence in advance of taking it. The responsibility for authorising requests for term time holidays lies with the school. Each request for leave of absence should be considered individually, taking account of the age of the child, the pupil's overall attendance pattern – is attendance below 90% during the preceding twelve weeks; the pupil's stage of education and progress, time of the year of the proposed trip – does it coincide with tests or examinations? Is it at the start of the academic year? Is it attached to a school holiday? Is it the second holiday taken in any one academic year; or is the pupil in Year 11? Schools can only agree to absence for a family holiday if they believe there are exceptional circumstances which warrant it.

The Local Authority recommends that schools requests parents submit a letter along with their application to state the exceptional circumstances in which they are applying for a holiday during term time.

If parents do not apply for leave of absence in advance of taking it, the absence should be recorded as unauthorised. If parents keep a child away for longer than was agreed, any extra time is recorded as unauthorised. If a holiday is refused and the parent contacts the school to inform the pupil is unable to attend school due to illness, the absence should be recorded as unauthorised unless medical evidence is supplied by the parent.

It is expected where a school has not agreed to authorise the absence for a term time holiday there will have been written contact with the family to ensure they are fully aware of the reason(s) why it has not been agreed and that parents are aware of the possibility of a penalty notice being issued which could lead to prosecution for non-attendance if they fail to pay. This information must be included in school literature, such as the home school agreement, the school prospectus, leave of absence request forms, newsletters, attendance policies and web sites.

The Local Authority expects schools to apply for a penalty notice following an unauthorised term time holiday within two weeks after the pupil's return to school following the unauthorised holiday. It is the Attendance Compliance Team's Legal Intervention Panel who will make the decision on whether to issue a penalty notice based on the evidence supplied by the school. The penalty for each parent is £60 for each child if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice. If the penalty is not paid in full by the end of the 28-day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice, but it is prosecution for irregular school attendance (Education Action 1996 Section 444 (1)). There is no statutory right of appeal against the issue of a penalty notice.

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A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- It appears to the local authority that the notice contains material errors
- Where it has been issued to the wrong person named as the recipient.