

## How do I make a request for leave of absence in term time?



- You will need to complete a leave of absence request form which can be obtained from your child's Student Support Officer or by collecting one from our Main Reception. There is also a copy on our website [www.thomasdeaconacademy.com](http://www.thomasdeaconacademy.com) under the heading 'Parents' and selecting 'Attendance'.
- The form must be completed and returned with supporting evidence to the Academy either by handing to your child's Student Support Officer or e-mailing it to [Attendnace@tda.education](mailto:Attendnace@tda.education) giving at least 4 weeks' notice before the leave.
- The Academy will then write to you within 7 school working days to authorize or decline the request.

### **Please note:**

all decisions are sent by letter, so you must make sure you give 4 weeks' notice of the leave in order to receive a response in time.

## Leave of Absence Legislation

Legislation introduced in September 2013 stated that Head Teachers can no longer authorise 10 days holiday during term time.

Leave of absence during term time can now only be authorised by the Head Teacher/Principal if they are satisfied that there are "exceptional circumstances" that warrants the granting of leave.

If the Head Teacher/Principal does not authorize the leave of absence but the child/ren are absent during the requested time, parents may receive a penalty notice (fine).

## Are you thinking of taking your child out of school in term time?

Leave of Absence Request Information and Guidance for Parents.



## What will happen if my request is declined but I still take the leave of absence?

Your child's non-attendance will be recorded as an unauthorised absence on their attendance record.

The Academy may notify the delegated local authority officer to issue a Penalty Notice.

A Penalty Notice of £60 (per parent, per child) may be issued. If it is not paid within 21 days the penalty payment rises to £120 (per parent, per child) which must be paid in full by the 28<sup>th</sup> day.

If the Penalty Notice has not been paid in full within 28 days of receipt, the local authority must either prosecute for the offence or withdraw the notice.

Once issued a Penalty Notice may only be withdrawn in the following circumstances:

- Proof has been established that the Penalty Notice has been issued to the wrong person.
- The notice ought not to have been issued e.g. where it has been issued outside the terms of the Code of Conduct.

This prosecution is for the offence of failing to secure attendance at school not for the non-payment of the fine.

Prosecutions are brought under S444 of the Education Act 1996.

Parents / Carers need to be mindful that a conviction for this offence can result in a criminal record.

*There are 175 non school days every year to spend on family time, shopping, appointments etc.*

## Frequently Asked Question's (FAQ's)

### ***Can I dispute the Fixed Penalty Notice?***

Only a Headteacher/Principal can authorise leave of absence from school. If there are other exceptional or compelling circumstances of which the Academy were not aware of, you can make a representation to the Headteacher/Principal. If the Academy maintains the absence was unauthorised the Penalty Notice will stand. There is a right to appeal a Penalty Notice, where you may choose not to pay and make your representations in the Magistrate's Court. You should be aware that should the court find you guilty of the offence of irregular school attendance, they can impose a higher punishment upon conviction. The court may also charge you with court costs.

### ***Why do some schools authorise absence and another does not?***

The Headteacher/Principal is the only person who can authorise leave of absence. Headteachers/Principals are only able to authorise leave of absence requests for exceptional circumstances and each case will be looked at individually

## FAQ's Continued....

***I do not live with the child, or I am a step-parent, can I still be fined?***

**Yes**, Section 576 Education Act 1996 defines a 'parent' as:

- Any natural parent, whether married or not.
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person.
- Any person who, although not a natural parent, has care of a child or young person on a day-to-day basis. However, for any parent who does reside with the child/ren, applications will be considered on an individual basis by the Headteacher /Principal and may still be liable for prosecution.

### ***My Child has never had an unauthorised leave of absence before?***

The Penalty notice will be issued based on the referral criteria. School attendance is crucial to children and any absence will have an impact upon your child's education. Your child's Headteacher/Principal will have based their decision on whether the leave of absence request was exceptional rather than based on your child's attendance level percentage.

