
Sheffield City Council

Children Young People and Families

**Term time Leave: Policy for Sheffield Schools adopted by
Nook Lane Junior School**

Updated September 2017

Introduction

1. This policy document has been developed to ensure that Children Young People and Families (CYPF) provides a clear statement of intent, expectation and consistent guidance in relation to the management of ALL term time leave of pupils who attend a school in Sheffield. It has been produced to ensure all decisions are managed within the national legislation and to locally agreed procedures.
2. The policy replaces the earlier Term Time Leave and Extended Leave policies which were issued by CYPF in 2004.

Rationale

3. Clear guidance is provided for parents/carers, schools, governing bodies, on the process with regard to requesting, considering and the authorising of term time leave.
4. Clear framework for schools to manage and respond to situations where leave is not authorised or agreed and the procedures for the removal from school roll. This would include parents/carers who prevent their child from attending school regularly without a valid reason for the absence. For example parents/carers who regularly take the extended weekend (Monday or Friday), advantage of last minute deals, or repeated visits abroad.
5. There will be some limited circumstances where leave in school term time may be granted. This may be due to inflexible holiday patterns of parents, compassionate grounds, visits to a country of family origin or once in a lifetime opportunities. However, term time leave should not be considered as a 'norm' or 'an entitlement'. There is strong evidence to indicate that significant absence from school during term time can have a negative impact upon a child's attainment and learning.
6. There is clear transparency on the expectations and responsibilities with regards to school attendance for parents/carers, schools and the CYPF.

Term time leave

7. Children Young People and Families (CYPF) recognise the important link between regular attendance at school and the educational attainment of children. For this reason, parents/carers are actively discouraged from taking their child on leave during school term time, here or abroad.
8. Parents/carers have a legal duty¹ to ensure that all children of statutory school age (5-16 years of age) receive a full-time education. The education provided must be suitable to the age, ability, aptitude, and any special education needs that their child(ren) may have. It is the parents/carers choice how they decide to provide the education, whether this is at a school or otherwise e.g. home education.
9. Action may be taken by CYPF against parents/carers who fail to ensure that their child is properly educated. The action may result in a formal warning, a fine, or an appearance at court.

¹ Education Act 1996, Section 7

10. Parents and carers who regularly take their child out of school in term time may be prosecuted under the higher charge of an 'aggravated offence'. Aggravated offences are considered by the courts as being more serious offences and carry higher sentences/fines. Aggravated Offences are also recorded on the Police National Computer against the parents/carers and would be disclosed on any Criminal Records Bureau (CRB) requests.
11. Parents/carers are legally required to request term time leave from the Head teacher at the school which their child is registered. There is no requirement that a request for leave will be granted, just because an application has been made. The requesting and authorising of leave in school term time is covered by the Education (Pupil Registration) (England) Regulations 2006.
12. Head teachers of schools can authorise more than one leave request in term time because each request must be considered on its own merit and the impact upon the child's learning and wellbeing must be central to the decision made. However, a Head teacher may take into account previous leave requests and other factors related to the child when making their decision.
13. Parents/carers who do not request term time leave and take their child(ren) on 'unauthorised leave', or fail to keep the school informed of changes to leave arrangements, may receive a fine, be prosecuted and/or the child(ren) may lose their place at their current school.

Requesting of term time leave

14. Requests for term time leave must be made at least 20 school days (locally agreed) in advance of any arrangement being made. This will allow sufficient time for the request to be considered by the school. The request will be made in writing by the parent/carer. Appendix 1: Request for Leave form
15. All requests for term time leave must be made in writing (letter or email). Schools should make arrangements to support parents/carers who have low literacy skills or for whom English is not their first language.
16. Term time leave requests must include specific start and end dates, as this will formally constitute the leave period. Where no specific dates are provided, then the request cannot be considered or granted.
17. The Head teacher should not feel obliged or under pressure to approve a request for term time leave. Any decision should be made in the best interest of the child.

Children who are travelling abroad

18. Parents/carers who are intending to travel abroad should not book travel prior to securing approval from the school. Parents/carers should let the school know of the intended travel dates as soon as possible. The school will be able to make a decision in principal based on the intended travel dates.

19. Parents/carers will be required to confirm actual dates (departure and return) once travel arrangements have been made. Any changes between the 'intended' and 'actual' dates must be agreed with the school prior to departure.
20. Where parents/carers have booked tickets prior to getting a decision from school it cannot be guaranteed that the leave request will be authorised.
21. As part of the request for leave process, parents/carers will be expected to demonstrate a willingness to make arrangements that cause the least disruption to their child's learning. This may involve:
 - a. Wrapping days of absence around existing school holiday periods;
 - b. Considering whether it is wholly appropriate for their child to accompany the adults in the circumstances;
 - c. Avoiding times where there are national assessment tests, for example GCSE's or SAT's;
 - d. Certain times of the school calendar where it is important for children to be in school. This would include the beginning of a new academic year (September), revision periods running up to the SAT's assessments or GCSE exams, or course work hand in dates.

Where no leave is requested – Family Emergency

22. Where parents/carers have not requested leave from the school which their child attends, the child is at risk of losing their place at the current school in accordance with Section 8(h)².
23. However there will be some occasions where it has not been possible for the parent/carer to make a request for term time leave, for example a family bereavement. Whilst these are difficult situations, parents/carers are still required to contact the school at the earliest possible opportunity and submit a written request for term time leave. This written request can be made on behalf of the parent/carer by someone nominated by the parent/carer. The request must include a specific leave period including a return date.
24. Parents/carers taking their child with them due to family emergency, must demonstrate:
 - That they have considered the impact and appropriateness for their child on travelling abroad ;
 - Whether or not alternative care arrangements could be made for the child to remain in the UK, and attend school e.g. stay with an extended family member aunt/uncle/grandparent; and
 - that they have looked at limiting the amount of time absent from school e.g. earlier return to the UK.

Considering the leave request

25. The school should consider the term time leave request and provide a written decision to the parent/carer within 10 school days of the request being received.

² The Education (Pupil Registration) (England) Regulations (2006)

26. The school will consider all requests for term time leave in accordance with the current legislation and CYPF guidance. Schools may refer or seek the advice of CYPF prior to making a decision.
27. It is considered good practice for schools to meet with parents/carers (wherever possible) to discuss the leave request prior to making the decision.
28. The Head teacher should not feel obliged or under pressure to approve a request for term time leave just because it has been made by the parent/carer.
29. The school will need to consider each request on its own merits and whether there are 'special circumstances' for authorising the absence. The following are provided for illustration purposes as examples which **may be considered** 'special' and the approved for term time leave (this is not a definitive list):
 - Parent/carer required to take leave during factory or workplace close down
 - Inflexible leave allocation in the parents profession
 - Death of a close family member
 - Critical or life threatening illness of parent/carer or sibling
 - Parent/carer requiring time to recover from a critical illness or major surgery
 - Once in a lifetime opportunities
 - Events of religious or cultural significance
30. In addition to the purpose for term time leave request, schools may also want to consider the following factors, in helping to reach a decision:
 - Time of the academic year when the leave has been requested
 - Duration of the absence – number of school days being missed
 - The child's current attendance and punctuality rate
 - Term time leave requested/taken in previous academic years for a similar purpose
 - Whether parent/carer have considered limiting the amount of time the child would be absent from school e.g. wrapping around school holiday
 - Have alternative care arrangements been considered by the parent/carer to limit the time away from school
 - Impact on any interventions, assessments or referrals being undertaken with the child or family e.g. family support, social care assessments, CAMHS, SEN
 - The impact that the absence will have on the child.
31. There is no entitlement or obligation that Head teachers should authorise the maximum 10 days under 'special circumstances' rule. A Head teacher could authorise anything between 1 and 10 days.

Exceptional circumstances (granting of more than 10 school days)

32. Schools should not authorise more than 10 school days term time leave. However there will be rare occasion where parents/carers have requested term time leave in excess of 10 school days. These situations should be considered under the 'exceptional circumstances' rule. Parents/carers requesting the leave would need to prove why the particular leave request should be considered as being 'exceptional'?

33. The following situations would not normally be considered as being ‘exceptional circumstances’ for requesting leave of more than 10 school days:
- visits abroad to attend weddings of extended family members
 - repeated visits to see sick/elderly family members
 - inability to secure childcare arrangements
 - visits to renew UK visa’s
 - returning abroad because parents/carers work or studies have finished earlier than the academic year
 - separate holidays with parents who do not live together at different times of the year
34. Whilst visits to counties of family origin would not in themselves demonstrate the need for exceptional leave. Factors such as the purpose and frequency of the visit, distance to destination, costs involved, may be factors which are considered by Head teachers when considering such requests.

The decision and informing the parent/carer (School)

35. Once the school has considered all the relevant information they must reach a decision and send a written response to the parent/carer within 10 school days of the leave request being received. A written response should still be sent to the UK address, even if the family have left the country.
36. Schools must ensure that appropriate arrangements are made to communicate the decision to families who have low levels of literacy or where English is not the first language.
37. A decision may result in the term time leave request being (a) Authorised³, (b) Unauthorised⁴ or (c) part Authorised and Unauthorised. For example, Mr X has requested 6 weeks term time leave for his child to attend a family wedding abroad. The school acknowledges that the wedding is important but feels that 6 weeks is excessive and authorise 4 weeks leave, with the remaining 2 weeks being unauthorised. The 2 weeks unauthorised leave could be combined with other periods of unauthorised absence for the pupil and referred to CYPF for consideration for a fixed penalty fine or prosecution.

Recording of Leave (school)

38. School attendance registers are legal documents and the information recorded in them can be used as evidence in legal proceedings. It is therefore important that the information contained is accurate and the correct absence code is used. All absences must be coded in accordance with Absence and Attendance Codes: Guidance for Schools and Local Authorities (DCSF, Jan 2009).

CODE	Description	Category
F	Extended Family holiday (Agreed). To be used for holidays exceeding 10 school days.	Authorised
G	Family Holiday (NOT Agreed <u>or</u> days in excess of	Unauthorised

³ Authorised- where the school has agreed that the leave is granted

⁴ Unauthorised- where the school does not agree that the leave request should be granted

	agreement)	
H	Family Holiday (Agreed) - less than 10 school days. *Schools should not use Code H & F together but either , or	Authorised
O	Unauthorised absence - not covered by any other code/description)	Unauthorised
N	No reason yet provided for absence	Unauthorised
I	Illness (NOT medical or dental etc. appointments)	Authorised
C	Other Authorised Circumstances (not covered by another code or description)	Authorised
B	Educated off site (NOT Dual registration)	Attending approved educational activity
T	Traveller Absence	Authorised
D	Dual registration i.e. pupil attending another establishment	Attending approved educational activity
E	Excluded (No alternative provision made)	Authorised
J	Interview	Attending approved educational activity
M	Medical/Dental appointments	Authorised
P	Approved sporting activity	Attending approved educational activity
R	Religious observance	Authorised
S	Study leave - Study leave should be used sparingly and only for Year 11 pupils during mock and public examinations	Authorised
V	Educational visit or trip	Attending approved educational activity
W	Work experience - Work experience under section 560 of the Education Act 1996.	Attending approved educational activity

39. Schools may use the code 'D' (dual registered) where they are able to demonstrate that a child will receive suitable education in another education establishment (in the UK or abroad) for a temporary basis. For example, a parent is required to travel abroad due to the nature of their work and they get their child registered at another school for the duration of their visit. The main school is required to ensure that it accurately monitors and records the attendance of the child at the dual registered base.

Process for removing a child's details from the school roll

40. A child's name can only be removed from school roll if one of the conditions prescribed in the Education (Pupil Registration Regulations) (England) 2006, Section 8(1) is satisfied.
41. Section 8(1)(f)⁵ would apply if the child has failed to attend school within 10 school days immediately following the expiry of the period for which leave was granted ('authorised absence '). Section 8(1)(h)⁶ would apply if the child had been continuously absent from school for a period not less than 20 school days and at no time was that period authorised by the school (unauthorised absence).

⁵ The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(1)(f)

⁶ The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(1)(h)

42. In **addition to the above 8(1) f/h**, the school and CYPF must also demonstrate that they have satisfied the following two conditions:
1. That the Head teacher does not have reasonable grounds to believe that the child is unable to attend the school by reason of sickness or any unavoidable cause⁷; and
 2. That both the Head teacher and the local authority have failed, after reasonable enquiry, to ascertain where the pupil is⁸.
43. Schools should not wait for the expiry of the periods specified above, prior to making enquiries. Enquiries should start on the first day of absence or first day immediately commencing the period for which the child was expected to return to school.
44. Schools must forward a completed Children Missing from Education (CME) Checklist (Appendix 5) and Pupil Deregistration Request (Appendix 6) to the CME team for all children, who they feel meet one of the legal requirements for deregistration.
45. The CME team will provide written confirmation (within 10 school days) to the school confirming the date the child can be removed. If a child cannot be removed the CME team will provide the school with an explanation.
46. The responsibility for the child transfers from the school to the CME Team from the date of the deregistration letter.
47. Schools must send an electronic Common Transfer File (CTF) to the School to Schools website for all children who have left their school⁹. The electronic transfer of data is a legal requirement under the Education (Pupil Information) Regulations 2005, as amended.
48. Exceptions to the normal rules regarding deregistration include:
- Children with statements who cannot be removed without the approval of the Special Educational Needs Department ¹⁰
 - Children who are detained as part of a Court Order who cannot be removed if the period of the Order is less than 4 months¹¹.
49. Legal action can still be pursued against a parent/carer following deregistration from a school. This is because the period of complaint would be taken from the time the child was on roll at the school.
50. Parents/carers of a child who has legally been removed from the school register will be required to reapply for a school place. There is no guarantee that a child will be able to secure a place at the school from which they have been removed.

⁷ Unavoidable is defined as 'something beyond the control of the individual'. Not being able to get return tickets to the UK because of poor planning would not normally be considered unavoidable.

⁸ In order to 'ascertain where the pupil is' a school must be able to confirm an exact address (e.g. house number or name, street, area, and country). Simply being told that the child is 'still in America' would not count as ascertaining where the pupil is.

⁹ Where a child has left the UK the CTF file destination code will be 'MMMMMMM' (7 M's). Where a child's whereabouts remain unknown/lost the CTF file destination code will be 'XXXXXXX' (7X's)

¹⁰ The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(2)

¹¹ The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(1)(i)

Strategies for dealing with unauthorised absence

51. When a Head teacher does not authorise a leave request on legitimate grounds, it sends a clear message to the parent/carer that the school does not agree with the reasons provided by the parent/carer for the request for term time leave. This may still result in the parent/carer still taking their child away in school term time.
52. In cases where the pupil has periods of unauthorised absence the CYPF has various legal powers which it can employ. These may include:
 - Issuing a Fixed Penalty Notice
 - Prosecution for non payment of the fixed penalty
 - Prosecution for an aggravated offence
 - Applying for an Education Supervision Order
53. If parents/carers are found guilty of an offence, when prosecuted by the Magistrates Court, they can be sentenced to a fine, a community penalty, and/or imprisonment. Aggravated offences will be recorded on Police National Computer and would be disclosed on any Criminal Records Bureau requests.

Communicating the policy to Parents/Carers

54. The term time leave policy should be communicated to parents/carers regularly. It is considered good practice for schools to:
 - refer to the policy in the schools attendance and behaviour policy
 - promote the policy on the attendance board and in the school newsletter
 - provide a term time leaflet for parents/carer of key points. The leaflet may be translated into community languages where possible
 - promote the policy at parents evening and school events for new starters
 - make reference in home/school agreements.

Return to the UK, where a child does not have a school place

55. If a child and their family return to the UK the parent/carer will need to re-apply for a school place. Parents/carers requiring a school place must contact the Children Missing Education (CME) team on 0114 2736462
56. The CME team can provide support to parents/carers to secure school places and other forms of education provision.

Appendix 1: Request for Term time leave application form

Name of Pupil		Name of Parents or Carers	
Siblings in this or other schools (name, dob)		Telephone number	
		Email	
Dates of request. From		To	
Why are you requesting leave of absence during term time?			
What steps have you taken to minimise the impact of the leave on your child's learning?			
Where will you be staying during the leave period? Please provide the full address.			
Emergency Contact Details (UK and Abroad)- name, telephone number & relationship			
UK:			
Abroad:			
<ul style="list-style-type: none"> • I confirm that the information on this form is true • I agree to keep the school informed of any changes to my travel arrangements or if my child is unable to return to school on to due date • I am aware that if my child does not return to school by the date provided that he/she may lose their place at this school • I am aware that I may be fined and/or prosecuted for any time which my child is absent from school that has not been authorised by the Head teacher. 			
Signed by parent/carer	Print name & relationship to child	Date	
For school use only	Date request received	/	/
Has the request been considered by the Head teacher?			
Has the request been discussed with the parent/carer? Date:			
No of school days Requested No of days Authorised No of days Unauthorised			
Date of decision letter sent to parent/carer :			
If unauthorised leave is taken and this case complies with Penalty Notice criteria (Attendance level below 90% with at least 20% of the absence being unauthorised) please forward to MAST along with Pupil/student attendance register.			
Name of school	Head teachers signature	Date	

Appendix 2: School Decision Letter (template)

Date:

To the Parent/Carer of

On the (date) you requested that the school consider term time leave for your child(ren) (name, DOB). You said that you wanted to go to (place) for (reason). You said that you would be away from school from (date) to(date). This equates to school days

The Head teacher has considered your request and has reached the following decision:

School days will be **agreed** by the school

School days will **not be agreed** by the school

The reasons for the Head teachers decision are given below.

We expect that your child to return to school on (date). If your child is unable to return on this date please let us know, as failure to do so may result in your child losing their place at this school. This will mean you will have to re-apply for a place at this school. You may also risk being fined or prosecuted by Sheffield City Council if your child is absent from school without the Head teachers permission.

Signed on behalf of the School:

Appendix 3: School letter to parent Informing parent/carer of possible risk of losing school place (template)

Dear

Your child was due to return to school on(date). We have made enquiries and have been unable to confirm that your child is absent because of sickness or other another unavoidable circumstances.

As we are unable to confirm where your child is or a return date, I am writing to let you know that I will be requesting that your child is removed from the school roll. I will be informing the Children Missing from Education Team who may make enquiries with the Police, Social Care and Child Benefits.

It is important that you contact (name) the School (telephone number) as soon as you receive this letter. I will continue to make enquiries to find out where your child is.

Yours sincerely

Head Teacher

Appendix 4: School letter to parent informing them of loss of school place (template)

Dear

I am writing to let you know that (childs name) has been removed from the register of this school on (date). If you would like your child to attend this school you will have to re-apply for a place.

Please contact the Children Missing Education (CME) team on 0114 2736462, who will be able to help you find a school place.

Yours sincerely

Head Teacher

Appendix 5: School Checklist to Locate Missing/Lost Pupils

Please complete fully and include 'no response' where appropriate, as this form will be required if a Child Protection investigation is undertaken

Name of Child:

DOB:

School:

School Action	Details	Outcome including date completed
Telephone calls made to parent/carers	Mobile: Landline:	
Telephone calls to emergency contact numbers	Name & tel number	
Email to parent	Email address:	
Letters sent to last known address		
Enquiries made with school which siblings attend	Sibling name & School	
Has the child has moved to another part of the UK and address is known, please contact CME team (0114 2736462) and request ' <i>safe and well visit</i> '	Date requested:	Date response received: Outcome:
Enquiries made with agencies with known involvement		
Home visited completed (Min of 3 non contact visits to be made). Schools may request this from their local MAST team		
Enquiry made with neighbours		
Any other enquiries undertaken		

All completed checklists need to be accompanied with a 'Request to Remove Child From School Roll' and sent to the CME team to enable deregistration to occur

