



North

Yorkshire County Council

Children and Young People's Service

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Dear Parent/Carer

**IMPORTANT GOVERNMENT CHANGES TO LEGISLATION REGARDING LEAVE OF ABSENCE FROM SCHOOL DURING TERM TIME.**

The Department for Education requires Local Authorities to implement government amendments to the regulations regarding the taking of Leave of Absence in term-time, which will come into force on the 1st September 2013. The new law gives no entitlement to parents to take their child on holiday during term time.

**Headteachers would not be expected to class any term time holiday as exceptional. Therefore Headteachers will only be able to grant leave of absence in exceptional circumstances and this will still be at the discretion of the Headteacher.**

**No parent/carer can demand leave of absence as of right.** The Education Regulations state that applications must be made in advance by a parent/carer with whom the child lives and can only be authorised by the school in exceptional circumstances. Each leave application is considered individually by the school taking into account any factors presented by the family. Application forms are available from your child's school. Headteachers will also welcome early discussion with you around potential applications.

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The following are examples of the criteria for leave of absence, which may be considered as 'exceptional':

- Service personnel returning from active deployment
- Where inflexibility of the parents' leave or working arrangement is part of the organisational or company policy. This would need to be evidenced by the production or confirmation from the organisation/company
- Where leave is recommended as part of a parents' or child's rehabilitation from medical or emotional problems. Evidence must be provided.
- When a family needs to spend time together to support each other during or after a crisis

This is not an exhaustive list and Headteachers must consider the individual circumstances of each case when making a decision on this matter. Leave is only acceptable against exceptional circumstances and should not be granted on the basis of attendance record, academic performance or the 'experience' offered by being out of school. Where a headteacher feels that there may be exceptional circumstances which does not fit the criteria, they may refer to the local authority for advice. The decision of the Headteacher is, however, final.

**Please note that the ability to access a reduced cost of a holiday does not constitute an exceptional circumstance.**

Where a child is taken out of school for the purpose of leave of absence in term time without the permission of the school, the absence will be coded as unauthorised and as such may result in a Penalty Notice. Penalties are applied by the Local Authority and as such are not at the discretion of the headteacher. If a Penalty Notice is not paid, the matter may be taken to prosecution in the Magistrates Court.

Amendments to 2007 Penalty Notice regulations will reduce the timescales for paying a penalty notice. Parents must, from 1st September 2013, pay £60 within 21 days or £120 within 28 days. This brings attendance penalty notices in line with other types of penalty notices and allows local authorities to act faster on prosecution if the fine is not paid.

Whilst this letter simply explains change arising nationally, I would reiterate that taking a pupil on leave during term time interrupts teaching and learning and can disrupt your child's educational progress.

Yours sincerely



Corporate Director – Children and Young People's Service