

# Penalty Notices Leave of Absence in term time

[www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)



## **What is a Leave of Absence in term time?**

A leave of absence is where parents or carers of a child decide to take their child out of school during term time. This may include holidays, religious observance, child performance and funeral amongst others.

## **What does the law say?**

Regulation 7(1) of the Education (Pupil Registration)(England) Regulation 2006 states;

**'leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school'**

Schools may therefore grant a leave of absence in term time, but only if they consider it exceptional circumstances.

Any application for a leave of absence must be made in advance and if granted, it is for the school to determine the number of days a pupil can be away from school.

## **What are exceptional circumstances?**

Neither the regulations nor the Department of Education define what might be considered exceptional circumstances.

It may include serious or terminal illness of a close relative, significant family trauma, a major family event like a relatives wedding or a one-off never to repeated experience. These events are examples only and it is for the school to decide if they consider any request to be exceptional circumstances.

## **How do I make an application for a Leave of Absence?**

A leave of absence form (LOAF) can be obtained from schools or PCC website

All applications must be made in advance of the leave and parents should give full details as to why they believe the application is exceptional circumstances.

### **Will my application just be dismissed?**

No, all applications must be judged on their own merits. Schools will consider why the application has been made and balance this against the child's record to ensure it does not have a negative impact on the any educational progress.

School can for example take in a range of considerations before making a decision. This may include previous request, current attendance, school policy, attainment and progress, impending tests, exams or significant school events and frequency of applications

### **How will I be informed about my application?**

Parents will be informed in writing by the school if the leave of absence has been granted or not.

### **Can I appeal the schools decision?**

No, there is no right of appeal, as the discretion to authorise is the schools alone.

### **Can I get a Penalty Notice if I take the leave without permission?**

Yes, if your child has 5 days or more, in an academic year, due to a leave of absence then we will issue a penalty notice.

## **Who is responsible and what is the fine?**

Each parent is individually responsible for the child's attendance and commits a separate offence if the child does not attend school on a regular basis.

£60 payable within 21 days

£120 payable between the 22<sup>nd</sup> and 28<sup>th</sup> day.

## **If receive a Penalty Notice can I appeal it?**

No, there is no right of appeal

If however the penalty notice was issued to the wrong person, should not have been issued or contained material error, then we may withdraw it upon representations from you.

## **Can I speak someone about Penalty Notices?**

Yes, we have dedicated members of staff who you can contact on the number below. In addition to this we have additional information on our website.

Please address any queries to:

**School Attendance Service  
Floor 2, Core 1  
Civic Offices  
Portsmouth  
PO1 2EA**

**Telephone: 023 9284 1419**

**Fax: 023 9284 1725**