

Doncaster Council

Holidays in Term Time Policy and Procedures

Term Time Holidays Policy and Procedures

Introduction

The policy outlined below is aimed at supporting schools in managing requests from parents for term time holidays. It is intended to make this process clearer and more consistent. This policy is linked with the Local Authority Fixed Penalty Notice code of conduct (appendix 1).

Background

Schools are required to provide education for 190 days per year and it is expected that children who are registered at a school will attend for this time. Parents do not have an automatic right for their children to have authorised absence to go on a holiday, this is entirely at the head teacher's discretion.

During the academic year 2010/11 90,963 days of education were lost due to term time holidays in Doncaster.

Research shows that children achieve less the more school absence they have. A child absent from school for two weeks each year equates to two terms of education missed over their school life.

This is compelling evidence for us to strive to reduce the number of school days missed due to term time holidays.

Some head teachers have been reluctant to unauthorise term time holidays as refusing this was considered to have a detrimental effect on a school's relationship with families. However, a Borough wide policy, used consistently and published in advance has been shown to reduce absence and does not impact negatively on home/school relationships. Individual schools using the specific criteria indicated in this policy are reporting fewer absences due to both holidays and minor illness and consistent improvements in overall attendance.

Family Holiday Requests during term time

The head teacher has the discretion to grant up to ten days authorised absence for family holidays in a school year. However, each application will be considered individually taking into account the pupil's attendance, the timing of the holidays and any exceptional circumstances. The legislation states that:

'...on application made by a parent with whom the pupil normally resides, a pupil may be granted leave of absence from the school to enable him to go

away on holiday... Save in exceptional circumstances, a pupil shall not be granted more than ten school days leave of absence in any school year.'

The Education (Pupil Registration) Regulations 1995 (SI 2089)

In brief this means that:

- Parents CANNOT demand a leave of absence as an automatic right
- Parental requests MUST be in writing
- Schools CANNOT apply blanket policies to approve/reject all applications.
- All requests MUST be considered on their own merits.
- Extended periods of absence will be granted ONLY in exceptional circumstances
- The power to authorise/unauthorise a leave of absence belongs to the head teacher.

In order to ensure transparency the school should publicise a summary of this policy at least once each academic year and parents/carers should be advised that all requests for holiday leave should be submitted at least four weeks prior to the commencement of the holiday period requested.

In order to ensure equity within and between schools, decisions on whether or not to authorise a leave of absence for family holidays will be guided by the information below:

- The holiday will not be authorised if the child's attendance is less than 95%
- The holiday will not be authorised if it is less than 8 weeks before, or during a SATS assessment or other examination.
- Where the pupil is making transition for infant to junior school or primary to secondary school, a holiday request for September will not be authorised.
- Only one holiday per academic year (of up to ten days) will be authorised.
- Where a holiday absence request form is not submitted, absences will not be authorised retrospectively. In these circumstances the penalty notice code of conduct must be followed.

The head teacher will consider whether there are any exceptional circumstances which outweigh the criteria above.

Examples of exceptional circumstances are as follows:-

- Where a holiday is recommended as part of a parent or child's rehabilitation from a medical issue.
- Where a parent in the armed forces is about to embark on a tour of duty and requests a holiday prior to this.

Family Holidays and Extended trips overseas

Sometimes parents may wish to take their children on extended overseas holidays during term-time. Such visits are particularly important to parents who want to ensure that their children meet members of their extended family overseas. While it is important to recognise the educational and cultural significance of such visits, DfE guidelines and regulations make clear that leave of absence for more than two weeks during term time should be regarded as exceptional. It is expected that parents will put forward a convincing case to justify such absence. When considering a request for extended leave during term time the following additional factors may be considered along side the standard criteria:

- The nature and purpose of the trip
- The duration of the trip and its impact on the child's education, particularly in terms of the continuity of learning
- The circumstances of the family and their cultural traditions
- The overall attendance pattern of the pupil

In cases where approval is given for such a holiday, schools may wish to consider making up a study pack, setting assignments for the child to complete while away or arranging after school catch up lessons when the child returns to school.

Procedures

Schools will retain a supply of term time holiday absence request forms to give to parents as required. The policy, information on term time holidays and request forms will also be available on the Council's website.

Parents must return the form to the headteacher or a designated member of school staff four weeks before the holiday is due to take place.

The headteacher will decide if the request should be authorised using the criteria specified.

Holiday absences taken during term time will be marked:-

- 'F' for an authorised absence for extended leave
- 'G' for an unauthorised absence for a family holiday, or sessions in excess of agreement
- 'H' for an authorised absence for a family holiday

Authorised Holiday Requests

The headteacher will write to the parent who has made the request, informing them of the decision and the date the school expect the child to return. Within the letter it should be clear how the absence will be marked on the child's

attendance certificate. The letter should also make clear that no more absence due to term time holidays will be authorised during the same academic year. A copy of the letter should be sent to any parent who does not have day to day care and responsibility of the child but does have parental responsibility. A copy of both letters should go on the child's school file.

Unauthorised Holiday Requests

The headteacher must write to the parent who has made the request, informing them of the decision and the reason why this decision was made. The letter should clearly highlight that if the parent decides to take the child on holiday, the absences will be unauthorised and a Fixed Penalty Notice will be issued to each parent with day to day care and responsibility for each child. A term time holiday leaflet must be enclosed with the letter. A copy of the letter should be sent to any parent who does not have day to day care and responsibility of the child but does have parental responsibility. Copies of both letters should go on the child's file.

Delayed Return following a term time holiday

If the child does not return to school on the agreed date following their holiday, the school should investigate the absence referring to Doncaster Council's Children Missing Education Policy. Advice on such circumstances can also be accessed via your Education Welfare Officer.

Penalty Notice due to term time holidays

Once the unauthorised holiday has been taken and the child has returned, the school must complete a penalty notice referral form, a head teacher's certificate of attendance and a witness statement (appendix 2). The school should send these documents together with a copy of the holiday request form and the letter sent by the headteacher to the parent. School must use the Local Authority approved holiday form as this requests all information necessary to issue a Fixed Penalty Notice.

If the procedures have been followed correctly and the case meets the penalty notice criteria the Local Authority will issue a penalty notice. One penalty notice will be issued to each parent for each child. Schools can access advice on these procedures from their Education Welfare Officer or via welfare.service@doncaster.gov.uk.

Parent pays the Penalty Notice

If the parent pays the fine, the case is closed and the period of time that the parent received the penalty notice for will not be used in any further proceedings

Parent does not pay the Penalty Notice

If after 42 days the penalty notice remains unpaid, the Local Authority will prepare the case for court. The Local Authority will keep the school informed of the outcome.

Publicity and Awareness Raising

The Local Authority will publicise this agreement to parents through the media and publication of leaflets.

Schools will produce leaflets and include information in newsletters and on their website. Schools can provide a link to the LA website.

Doncaster Council
Attendance and Pupil Welfare Service
Attendance and Pupil Welfare

**Code of Conduct under the Provision of the Education (Penalty Notices)
Regulation 2004 and subsection (1) Section 23 Anti-Social Behaviour
Act 2003**

RATIONALE

- 1** Regular and punctual attendance of pupils at schools is, under section 7 of the Education Act 1996, a legal requirement, parents being responsible for ensuring that any child of compulsory school age receives efficient full-time education that is suitable to the child's age, ability and aptitude and to any special educational needs the child may have. Compulsory school age is defined as: Commencing at the start of term commencing on or after a child's fifth birthday and concluding on the last Friday in June of the school year in which the pupil becomes 16. It is also essential for pupils to attend school regularly in order to maximise the opportunities available to them. The Attendance and Pupil Welfare Service in Doncaster will continue to investigate cases of irregular attendance at school and following a strict process of targeted casework delivery, instigate statutory action where appropriate.
- 2** Under the provisions of subsection (1) of section 23 of the Anti-social Behaviour Act 2003, it will now be possible that in certain cases of unauthorised absence a fixed penalty notice may be issued to the parent(s)/carer(s) responsible. Under these provisions the penalty is £60 if paid within 28 days of receipt of the notice, rising to £120 if paid after 28 days but within 42 days of receipt.
- 3** Doncaster Council will ensure the smooth administration of the necessary process and in order to fully comply with legislation on Human Rights will also ensure the consistent, fair and transparent application of fixed penalty notices throughout Doncaster. This Code of Conduct will govern the issuing of fixed penalty notices across Doncaster.

Section 576 Education Act 1996: Definition of a Parent

The education-related provisions of the Anti-social Behaviour Act 2003 apply to all parents who fall within the definition set out in this section of the Education Act 1996. This defines 'parent' as:

- All natural parents, whether they are married or not.
- Any person who, although they are 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 – having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child is considered to be a parent in education law.

Throughout this document, references to 'parent' mean each and every parent coming within the definition, whether acting jointly or separately, and should not be taken to mean that provisions only apply to 'parent' in the singular.

THE CONTEXT IN DONCASTER

- 4** Excellent educational attainment for Young People is strategic aim number 4 of the Children and Young Peoples Plan and improving attendance of all children and young people is a key factor in achieving this goal. The Local Authority, through the Attendance and Pupil Welfare Service, and in partnership with schools is establishing a rigorous approach to addressing unauthorised absence from school. It is proposed to build upon the progress made by initiating an expansion of the criteria for using Fixed Penalty notices.
- 5** It is the Local Authority that has the responsibility for developing the Code of Conduct that will govern the Fixed Penalty Notice Procedures. Although the regulations make provision for a Head teacher, the police and authorised LA staff to issue Penalty Notices relating to unauthorised absence, the responsibility for issuing and managing the arrangements for these Penalty Notices in Doncaster will rest solely with the Head Of Attendance and Pupil Welfare and the staff of this service. This will ensure that all procedures relating to Penalty Notices are consistently applied, that enforcement action is not duplicated and any subsequent court action that may be necessary can be integrated within existing arrangements.
- 6** Regular and punctual attendance at school is both a legal requirement and a necessity for pupils to maximise their educational opportunities. In law, an offence is committed if a parent/carers fails to secure a child's regular attendance at a school, at which s/he is a registered pupil, and the absence is not authorised by the Head teacher. A range of supportive measures are in place to ensure that parents and pupils are assisted both by school staff and, where appropriate LEA staff, to overcome barriers to regular attendance. This support is provided through a wide continuum of assessment and intervention strategies and sanctions of any nature are used only where parental co-operation is either absent or deemed insufficient. Sanctions are never used as a punishment, only as a means of enforcing attendance where there is a reasonable expectation that parents can exercise their responsibility more effectively

CIRCUMSTANCES WHEN A FIXED PENALTY NOTICE MAY BE ISSUED

7 Unauthorised holidays taken during term time

All Doncaster Schools are required to provide parents with an advisory letter that will confirm the rigorous approach that is being taken in response to unauthorised holidays, which will include information about the Fixed Penalty option. This letter should be issued at least once every academic year.

Parents will be expected to complete a holiday application form at least 4 weeks in advance of the proposed holiday. The form will include information about the use of Penalty Notices as a consequence of a holiday taken in term time without the Head teacher's authorisation.

Where a parent/carer has taken a child on holiday without authorisation, there should be evidence of a minimum of 10 sessions of unauthorised absence. The Head teacher will need to take into account all the factors pertaining to the individual case in reaching a decision about a Penalty Notice. Having done so, the Head teacher will be required to supply:

- A completed referral form
- A completed pro-forma witness statement
- A certificate of attendance for the period in question
- A copy of the advisory letter sent to the parent
- A copy of the holiday application form and reply

If a holiday form has not been completed but a Head Teacher has sufficient evidence that the child has been absent from school due to an unauthorised holiday. The Head Teacher or their representative should provide this evidence in the witness statement and submit the following documents to the Attendance and Pupil Welfare Service:

- A completed referral form
- A completed pro-forma witness statement
- A certificate of attendance for the period in question

On receipt of these, the Attendance and Pupil Welfare Service will issue a FPN by first class post to the parent(s). Where a parent fails or refuses to pay a penalty issued in these circumstances, then the evidence provided by the Head teacher will be the only evidence laid before the court, alongside a Certificate of Confirmation of Non-payment of the Fixed Penalty. This will be done after 42 days have lapsed since the Notice was received. From that point, the court hearing will be scheduled for a date within 21 days subject to court availability.

8 Cases of non-cooperation with the Attendance and Pupil Welfare Service

Where a parent has not cooperated with the Education Welfare Officer following receipt of a referral from school in accordance with the established procedures, consideration will be given to issuing a Penalty Notice. Prior to a referral the school will have taken steps to address the absence with the parent and the pupil. This will have included writing to the parent to confirm the nature of the concerns and seeking their support in addressing them.

The Following factors will need to be in place:

- An EWO is able to produce evidence to show that a parent has failed to keep a pre-arranged appointment without just cause, and has also failed to respond to a 'Failed Appointment Letter (containing a warning about penalty notices- parent should be given 15 days to improve attendance before a notice is issued)

- In the 4 week period since the warning letter was issued there has been unauthorised absence from school.
- A Head teachers Certificate is available for the period covering the 4 weeks following the warning letter and two weeks prior to it, with a level of attendance of less than 95%
- The EWO has completed a pro-forma witness statement which will support a prosecution should the penalty not be paid.

The EWO will be required to supply the following documentation to Systems Support:-

- A completed referral form
- A copy of the Appointment Letter and the Failed Appointment Letter

On receipt of these, and after due consideration, taking into account all circumstances of the case, a Penalty Notice will be issued by first class post to the parent(s). Where a parent fails or refuses to pay a penalty issued in these circumstances, then the evidence provided by the Head teacher will be laid before the court, alongside a witness statement completed by the EWO, copies of the letters and a Certificate of Confirmation of Non-payment of the Fixed Penalty. This will be done after 42 days have lapsed since the Notice was received. From that point, the court hearing will be scheduled for a date within 21 days, subject to court availability.

9 Unauthorised absence in a 4 week period, following a warning letter being issued

- Education Welfare Officer receives a referral for poor attendance. Following home visit parent is sent a warning letter about FPN. This procedure may be implemented as part of an attendance initiative, in which case the letter is handed to the parent or left at the home address
- Parent should be given 15 school days to improve attendance before the notice is issued.
- In the 4 week period since the warning letter there has been unauthorised absence.
- Headteachers Certificate is available for the period covering the 4 weeks after the warning letter and the two weeks prior, with a level of less than 95% attendance.
- The EWO has completed a proforma witness statement which will support a prosecution should the penalty not be paid.

The EWO will be required to supply the following documentation to Attendance and Pupil Welfare Support:-

- A completed referral form
- A copy of the Appointment Letter and the Legal Warning Letter
- A certificate of attendance

On receipt of these, the Attendance and Pupil Welfare Service will issue a FPN by first class post to the parent(s). Where a parent fails or refuses to pay a penalty issued in these circumstances, then the evidence provided by

the Head teacher will be laid before the court, alongside a witness statement completed by the EWO, copies of the letters and a Certificate of Confirmation of Non-payment of the Fixed Penalty. This will be done after 42 days have lapsed since the Notice was received. From that point, the court hearing will be scheduled for a date within 21 days, subject to court availability.

- 10** A child is located twice on a truancy patrol during a four month period unless there is a justifiable reason for absence.

- Child is located during a truancy patrol.
- Letter is sent to parent/carer advising them that if the child is located a second time during a truancy patrol a Fixed Penalty Notice will be issued
- The absence is unauthorised and the Head teachers Certificate of attendance is available for the evidential period
- The evidence has been reported by an Education Welfare Officer, a Neighbourhood Response Team Officer, a Police Officer or a Police Community Support Officer whilst taking part in a LA approved truancy operation.

Where a parent fails or refuses to pay a penalty issued in these circumstances, then the evidence provided by the Head teacher will be laid before the court, alongside a witness statement completed by the reporting officer, copies of the letters and a Certificate of Confirmation of Non-payment of the Fixed Penalty. This will be done after 42 days have lapsed since the Notice was received. From that point, the court hearing will be scheduled for a date within 21 days, subject to court availability.

- 11** A parent will not receive more than three Fixed Penalty Notices relating to the absence of a named child in a 12 month period.

In cases where families contain more than one child with unauthorised absence multiple issuing of Notices may be necessary but this will be the subject to careful consideration by the Attendance and Pupil Welfare Service.

Penalty notices will only be issued by post and never as an 'on the spot' action; this is to ensure that all evidential requirements are in place and to meet Health and Safety requirements.

No flexible payment terms will be agreed.

12 Procedure for withdrawing Penalty Notices

Guidance only allows a Penalty Notice to be withdrawn in the following circumstances:

- Proof has been established that the Penalty Notice was issued to the wrong person
- The use of the Penalty Notice did not conform to the terms of this Code of Conduct.

Where a Penalty Notice is withdrawn, a notice confirming this will be issued to the recipient.

13 Payment of Penalty Notices

Arrangements for payment will be detailed on the Penalty Notice.

Payment of a Penalty Notice discharges the parent/carer of liability for the period in question and s/he cannot subsequently be prosecuted for the period covered by the Penalty Notice.

Payment of a Penalty Notice within 28 days is £60 and payment after this time but within 42 days is £120.

The LA retains any revenue from Penalty Notices to cover enforcement costs. In compliance with auditory regulations, any surplus monies will be paid to the consolidated fund.

14 Non-payment of Penalty Notices

Non-payment of a Penalty Notice will trigger a prosecution under Section 444 of the Education Act 1996 on the basis that the parent has failed to secure regular school attendance. The non-payment of the Penalty Notice cannot be used as a reason for prosecution.

15 Policy and Publicity

The utilisation of Penalty notices as a sanction for unauthorised absence from school will be included in the LAs attendance guidance.

All policies in schools relating to school attendance will include information on the utilisation of Penalty Notices and this will be brought to the attention of all parents.

The LA will provide information on the use of Penalty Notices in publicity campaigns about the importance of school attendance, and within its range of leaflets which are available to parents.

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