

Leave in Term Time – Legal Guidance for Parents/ Carers

It is essential for children to be in school regularly to benefit fully from their educational opportunities. Good attendance will ensure that children can reach their full potential. To achieve this, children need to attend school every day. We are sure you would not jeopardise your children's academic progress by taking them away during term time.

The importance of school attendance is such the law has now changed and Head teachers may now only grant leave in term time where the circumstances are exceptional. This is in line with Birmingham Local Authority's 'Leave in term Time Guidance' and the 2013 Amendment to the Education (Pupil Registration) (England) Regulations.

For example:

- death of parent/carer or sibling of the pupil
- life threatening or critical illness of parent or sibling of the pupil
- parent/carer recuperation and convalescence from critical illness or surgery (leave request to be made within 6 months of recovery and medical evidence required)

Family emergencies need careful consideration. It is not always in the best interest of the child; nor appropriate for them to miss school for family emergencies that are being dealt with by adult family members. Being at school, friendships and support from staff can provide children with stability and care during difficult times. The routine of school can provide a safe and familiar background during times of uncertainty.

If you have exceptional circumstances which have led you to request leave in term time for your child/ren, please complete the required form, which you can obtain from School. The Head Teacher will then make a decision on whether or not the leave can be lawfully authorised and will do so only if there is a genuine, exceptional and urgent reason for a child to be absent during term time.

If a child is taken out of school without the Head Teachers authorisation, it will be recorded as unauthorised absence. This may lead to the issuing of a penalty notice and legal action being taken.

Section 23(1) Anti-Social Behaviour Act 2007:

Penalty notices may be issued to the parent of pupils who have unauthorised absence from school.

The amount of the penalty is £60.

- If this is not paid within 21 days the amount rises to £120.
- If not paid within 28 days the Local Authority will prosecute under section 444(1) unless it comes to our attention that the penalty notice had been issued in error.

Section 444(1) Education Act 1996:

"If you are the parent of a child of compulsory school age who fails to attend school regularly, you are guilty of an offence."

The court can fine each parent up to £1,000 per child, order payment of the prosecution costs and/or make a Parenting Order.

Please note that:

- penalties and prosecutions are in respect of each parent for each child.
- 'Parent' includes any person who is not a parent of the child but who has parental responsibility for the child (and applies whether or not that person lives with the child) or who has care of him/her.

These prosecutions are criminal proceedings and could result in you having a criminal record.