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The following guidance relates to our [Request for Leave of Absence During Term Time \(Online Form\)](#).

GUIDANCE FOR PARENTS/CARERS

Please read the following in full before proceeding with the request application

The Supreme Court clarified has clarified the law on unauthorised leave, including holidays, during term time (Platt v Isle of Wright 2017). The Supreme Court has made clear that attending school ‘regularly’ means that children must attend school on every day that they are required to do so. As such, the parents of any child who is absent from school without authorisation for any length of time are likely to be considered as committing an offence under s444 of the Education Act 1996.

The law states a leave of absence may only be granted by a school if an **application is made in advance** and if it considers there are **exceptional circumstances** relating to the application.

Schools must judge each application individually considering the specific facts and circumstances and relevant background context behind each request.

A leave of absence is granted entirely at the school’s discretion. Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.

Exceptional circumstances might include:

- Wedding or funeral of a close relative¹
- Religious observance
- Attending external examinations²
- Attending regional/national level competitions as a competitor³

Non-acceptable reasons include, but are not restricted to:

- Family holidays
- Taking holidays at quieter times
- Cheaper travel arrangements
- Birthday celebrations
- Visiting/travelling with relatives

Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school (e.g. for the specific date of a wedding or funeral).

¹ Only the date of the wedding/funeral will be authorised.

² Supporting documentation should be provided, such as an entry confirmation letter for the examination. Failure to do so will lead to the absence being unauthorised.

³ Supporting documentation should be provided, such as a letter from the club/coach or organising body. Failure to do so will lead to the absence being unauthorised.

When making an application for Leave of Absence parents are advised to give sufficient information and time to allow the school the opportunity to consider all the exceptional circumstances and to notify parents of their decision. The school may also request further information on the application and supporting documentation where appropriate.

It is advised that if the resident parent has not received notification or a response regarding the leave of absence application, it is their responsibility to ascertain if the leave is authorised prior to the start of the leave.

The school can only consider Leave of Absence requests which are made by the 'resident' parent i.e. the parent with whom the child normally resides.

Where applications for leave of absence are made in advance and refused, the child is expected to be in school on the dates set out in the application. If the child is absent during that period, it will be recorded as an unauthorised absence.

Where a Leave of Absence is requested and granted, but additional days are taken either prior to or after the requested period, these will be recorded as an unauthorised absence.

Leave of Absence where a request is not made in advance cannot be authorised in line with legislation. This will result in the absence being recorded as 'unauthorised'.

All matters of unauthorised absence relating to a Leave of Absence will be referred to the Cheshire East Council. Penalty Notices are issued in accordance with Cheshire East Council's Code of Conduct on Penalty Notices and, in the first instance, as an alternative to prosecution proceedings.

PENALTY NOTICES

The law relating to Penalty Notices changed with effect from 1st September 2024. Therefore, Penalty Notices issued for Leave of Absences taken after that date will be issued in accordance with the updated legislation.

- Penalty Notices are issued to each parent of each absent child, (for example 2 children and 2 parents, means each parent will receive 2 invoices – 4 in total).
 - **First Leave of Absence offence:** The Penalty Notice amount of £160 to be paid within 28 days, this is reduced to £80 each child if paid within 21 days.
 - **Second Leave of Absence offence within a 3-year period** (from the date of issue of the first penalty notice): The amount of £160 paid within 28 days. No reduced amount.
- Payment plans will not be offered and/or payments received outside of the 28-day period will not be accepted. Where a penalty notice expires unpaid the matter will be referred to Cheshire East Council's Legal Services to consider criminal prosecution.
- **Third Leave of Absence offence within a 3-year period** (from the date of issue of the first penalty notice). A penalty notice will not be issued, and the matter will be referred to Cheshire East Council's Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996.