

## Leave of Absence in Term Time Frequently Asked Questions

### ***What does the law say about leave of absence in term time?***

It says Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head Teachers should determine the number of school days a child can be away from school if the leave is granted.

### ***If my child's school refuses to authorise my term time leave of absence request, will I receive a Fixed Penalty Notice and can I be prosecuted?***

Durham County Council's Fixed Penalty Notice Protocol acknowledges that regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

Circumstances where a Penalty Notice might be issued include unauthorised leave of absence in term time, or other parentally condoned absence where the absence amounts to **seven school days or more in a minimum twelve rolling school week period**. You can be prosecuted if you receive a fixed penalty notice and it is not paid.

Under the Education Act 1996, parents commit an offence if they fail to ensure their child's regular school attendance. Taking a child out of school for a leave of absence without permission, and where the absence amounts to seven school days or more of unauthorised absence in a minimum twelve week rolling term is viewed as failing to ensure your child's regular attendance at school.

Payment of a Penalty Notice, where offered, is an alternative to prosecution. If unpaid, prosecution for the Education Act offence may therefore ensue. A fixed penalty notice will be issued to **each person with parental responsibility** for the child / children who is deemed liable for the offence / offences.

### ***Who has parental responsibility for a child?***

The Department for Education (DfE) state a parent means:

- All **natural parents**, whether they are married or not;
- Any person who **has parental responsibility** for a child or young person; and,
- Any person who **has care of a child or young person i.e. lives with and looks after the child**.

The DfE further state: '**generally parents include all those with day to day responsibility for a child.**'