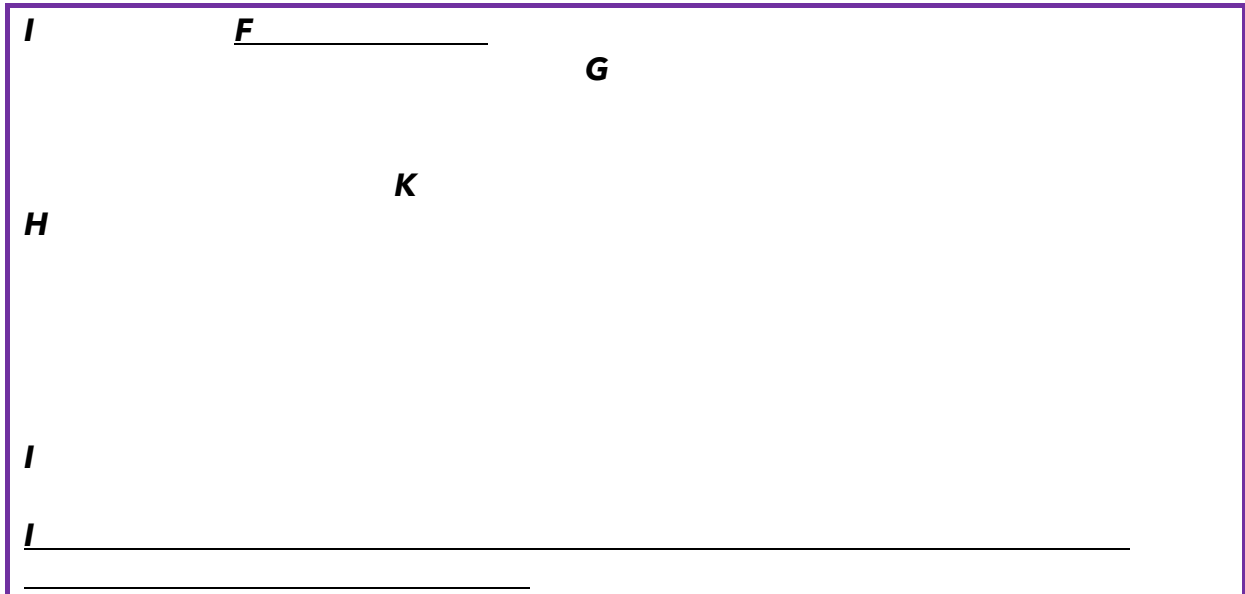


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individually taking into account the specific facts and circumstances and relevant background context behind the request. If a leave of absence is granted, it is for the school to determine the length of the time the pupil can be away from school.

3. Making the decision following an application for a leave of absence for exceptional circumstances



When parents request permission to take their children out of school during term time where there are exceptional circumstances, an application form should be completed and submitted to the school at least two weeks before they are due to leave. Once the application form has been submitted by the parent, schools must not alter it by adding further details, for e.g., details of another parent.

Parents must contact the school and allow the school to consider their application before booking flights or leaving the country if possible, even when unforeseen events occur (e.g. family bereavement). If that is not possible, parents should contact the school at the commencement of the leave.

It is essential that all schools operate a formal process of application, interview and contract.



- o leave for armed forces personnel who are prevented by operational duties to take their leave at any other time
- o leave of absence already granted by a previous school or local authority (granted within the last six months and supported by documentation from the previous school)

Family emergencies need careful consideration. It is not always in the best interests of the pupil nor appropriate for them to miss school for family emergencies that are being dealt with by adult family members. School and school relationships can provide pupils with stability and care during difficult times.

If leave is granted, the Head Teacher is the person who determines the number of school days a child can be away from school.

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4. Penalty Notices/Court Cases

Where a child has an unauthorised leave of absence but does not meet the criteria for 'Support First', schools can use an 'add on' process, the 'Leave of Absence (Legal) Process'. See section 8 below for the step-by-step process and the letter templates are available on the website:

[Attendance procedures for schools | Pupil attendance, advice for schools and professionals | Birmingham City Council](#)

This process enables the Local Authority to issue a penalty notices to parents for removing their child from school for an unauthorised leave of absence.

If the Leave of Absence (Legal) Process is followed correctly, parents may be issued with a penalty notice for taking their child on one week's unauthorised leave of absence (code G only) with no previous unauthorised absence.

Under the National Framework for Penalty Notices, penalty notices may only be issued twice to a parent in relation to a particular child within a three-year period. The first penalty notice can be paid at the discount level of £80 if paid within 21 days, or £160 between day 22 and 28. A second penalty notice must be paid at the full amount of £160 within 28 day ad the discount does not apply for a second offence. If a third offence is committed the local authority cannot issue further penalty notices and must consider other forms of enforcement action such as prosecution under Section 444(1) of the Education Act 1996.

Where parents seek to avoid penalty notices by regularly booking a leave of absence just under the threshold for enforcement under the National Penalty Notice Framework or Birmingham Education Penalty Notice Code of Conduct, action may be taken at the discretion of the local authority.

For pupils who have taken unauthorised leave in term time for six weeks or more, penalty notices may not be issued as cases may proceed straight to court. In these instances, schools should continue to follow the usual Leave of Absence (Legal) Process. Decisions as to whether a penalty notice is to be issued or the matter proceeds straight to court lie with the Education Legal Intervention Team.

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5. Absence Coding

For the purposes of registration codes, leave of absence granted in exceptional circumstances should be coded as 'C' and counts as authorised absence.

Where a leave of absence has not been agreed or for the days taken in excess of an agreement, it should be coded 'G' and count as absence.

Code G should be used for all unauthorised leave of absence, not just

6. Deletion from

7. Children Missing Education (CME)

8. The Leave

Getting Started

The whole school 'School Attendance' letter:

the dated whole school letter (the same as that used for the 'Support First process) should have been sent to all of the school's parents. It may be used in evidence but mainly it is good practice that parents understand the expectations of the school;

the letter should be sent out to each household via email or 'pupil post'. If parents live at different addresses and the school hold this information, a copy of the letter should be sent to each address;

the school should publish the letter on their website and consider including it in any prospectus and information for new parents

this is the ONLY letter that can be signed electronically by the Head Teacher, which must be a direct copy of their actual signature

the school should be prepared to answer any parental queries arising from this letter

letters can only be signed by the Head Teacher but all other parts of the process can be undertaken by the member of staff who usually liaises with ELIT (the school attendance liaison person)

The Process

Step One – send a 'Leave Denied' letter. Either:

LD1 Letter – If the parents/carers have applied for leave either in writing or verbally, either before the leave or as the leave commences, but the leave has not been authorised, the Head Teacher should send the 'request denied' letter immediately.

LD2 Letter – If the school has not heard directly from the parents/carers prior to or as the leave commences (a friend or relative might have contacted school instead); the child has not returned from authorised leave on the dates agreed; or the child has returned from a period of absence where school suspect the child has taken an unauthorised leave of absence in term time, the Head Teacher should send the 'leave taken' letter immediately.

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Make sure the school has or obtains the parents' full names and that addresses and postcodes are correct; the Local Authority will also require the parents' DOBs, which can be found:

- o on the templated leave request form;
- o on free school meal forms;
- o from the parents themselves, either in person or via telephone.

If the school is unable to obtain the DOB prior to requesting a Penalty Notice, do not allow this to delay the process, as the school can send this information to ELIT later, via email.

All letters must be signed then photocopied along with other relevant documents sent to the parent, before posting. The originals should be posted (first class not recorded delivery) to the parent and the copies retained for evidence.

All correspondence, as well as notes and reports documenting all contacts, including telephone calls, and arrangements made with parents, are retained;

A record of the letters posted is retained, including individual names and addresses being added to a Postage spreadsheet and the exact date that the letter was sent specified.

Step Two - once the child has returned from leave (and no later than six weeks after their return) complete the online LITT referral form. Both parents, if applicable, can be included on the one form. Please include the following documents scanned onto one PDF attachment to ELIT:

photocopies of all signed letters

photocopies of any 'leave request' documents (if any),

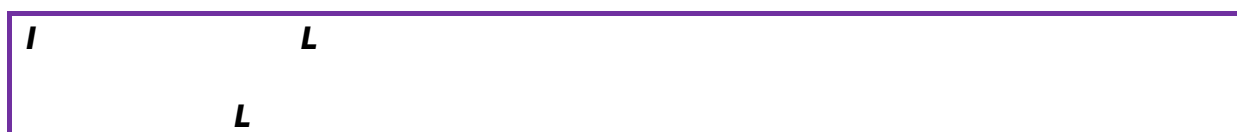
photocopies of any travel documents supplied by the parents

up-to-date attendance printout for this academic year showing that the offence has been committed and that the child has returned to school

an attendance printout of the previous academic year

The online referral form can be accessed via this link:

[Leave of absence referral form](#)



Education Legal Intervention Team actions:

Review referrals ensuring they meet the requirements according to the 'Code of Conduct' and Crown prosecution rules;
Issue a Penalty Notice/Single Justice Notice (straight to Court) to each parent as appropriate;
If a Penalty Notice is issued, inform the school, via email, as soon as payment is received from a parent;
Where Penalty Notices have been issued previously, ELIT may proceed the case direct to Court and, via email, will advise the school of this;
Where unauthorised leave of 6 weeks or more is taken, ELIT may proceed the case direct to Court and, via email, will advise the school of this.

Please Note:

- o ELIT does not send reminders to parents regarding payment and there is no facility for parents to pay a Penalty Notice in instalments;
- o parents should be asked to send any queries following a Penalty Notice/Single Justice Notice to ELIT, in writing or by email. They can contest the Penalty Notice via an online form - the address is on the Penalty Notice;
- o parents pay their Penalty Notices online, the details of which are on the Penalty Notice.
- o Parents can read more information on attendance, or pay/contest their Penalty Notice online: [Online attendance advice for parents](#)

Timeline for actions when Penalty Notices are issued:

PN Calendar Day 1	Penalty Notices issued £80 per parent for each child (discount not available for a second offence)
PN Calendar Day 21	£80 Deadline
PN Calendar Day 22-28	£160 Deadline

If the Penalty Notice has not been paid by Day 28, parents are generally prosecuted under section 444(1) of the Education Act 1996. If this is necessary, ELIT will contact the school, and ask the Head Teacher to prepare a witness statement.

Education Legal Intervention Team contact details

Email: Attendance@birmingham.gov.uk

Urgent calls only: 0121 464 8979

Postal address: Education Legal Intervention Team
Birmingham City Council
P O BOX 16524
Birmingham
B2 2FP

Useful Links

BCC guidance and procedures

Birmingham City Council Penalty Notice Code of Conduct

[BCC Education Penalty Notice Code of Conduct September 2024 | Birmingham City Council](#)

'Support First' and Leave of Absence (Legal) Processes

[Attendance procedures for schools | Pupil attendance, advice for schools and professionals | Birmingham City Council](#)

'Deletion from Roll' Guidance

[Deletion \(removal\) from roll | Pupil attendance, advice for schools and professionals | Birmingham City Council](#)

Department for Education guidance (including statutory guidance) and useful information

Children Missing Education

[Children Missing Education DfE guidance](#)

Keeping children safe in education - Statutory guidance for schools and colleges

[Keeping children safe in education 2024 \(publishing.service.gov.uk\)](#)

Working together to improve school attendance

[Working together to improve school attendance](#)

Supporting pupils at school with medical conditions - Statutory guidance for governing bodies of maintained schools and proprietors of academies in England

[Supporting pupils with medical conditions at school - GOV.UK \(www.gov.uk\)](#)

The link between absence and attainment at KS2 and KS4 – 2018/19 academic year

[The link between absence and attainment at KS2 and KS4, Academic year 2018/19 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](#)

Advise to schools from the Ministry of Defence regarding term-time absence for service children - Updated 8 September 2021

[Ministry of Defence guidance on leave of absence](#)