# Leave of Absence in Exceptional Circumstances - Guidance

## Legislation

The School Attendance (Pupil Registration) (England) Regulations 2024 and ‘[Working together to improve school attendance, 2024](https://assets.publishing.service.gov.uk/media/66bf300da44f1c4c23e5bd1b/Working_together_to_improve_school_attendance_-_August_2024.pdf)’ state that attendance at school is compulsory. This legislation makes clear that **headteachers may not grant any leave** of absence during term time unless there are **exceptional circumstances**.

Specifically, the legislation states that *“the DfE does* ***not*** *consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance.*”

Parents can be fined for taking their child on holiday during term time without consent from the school.

Examples of where Leave of Absence in Exceptional Circumstances (LoAEC) *may* be granted include:

* Service Personnel leaving / returning from active deployment (usually one or the other, see additional information below)
* Where inflexibility of the parents’ leave is part of the organisation or company policy, and where it can be proven that *no leave can be taken during school holidays*.
* Where leave is recommended as part of parents’ or child’s rehabilitation from medical or emotional problems. Evidence would need to be provided.
* When a family needs to spend time together to support each other during or after a crisis.
* A one-off never to be repeated occasion that can only take place at the time requested.
  + This refers to events with set dates, such as an immediate family wedding, funeral etc. It does not cover: holidays linked to family get togethers, visits to family across the country, ‘once in a lifetime’ trips etc.

Taking leave during term time means that children miss important school time – both educationally and for other school activities. Before completing this application parents/carers are asked to consider the effect on their child’s continuity of education. Please ensure that your application fits one of the above criteria before applying and that you attach sufficient supporting documentary evidence if required/requested.

### The Education (Penalty Notices) (England) Regulations

Amendments have been made to Penalty Notice regulations, these can be found here: [The Education (Penalty Notices) (England) (Amendment) Regulations 2024](https://www.legislation.gov.uk/uksi/2024/210).

The legislation states that:

“A penalty notice is an out of court settlement which is intended to change behaviour without the need for criminal prosecution:

* The first penalty notice issued to a parent in respect of a particular pupil will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days.
* A second penalty notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days.”

**Note, these fines are per child, per parent. Therefore, a weeks’ holiday for a family of 5 would lead to a fine of £960.**

The prohibitions in legislation regarding holidays unfortunately include parents requesting LoAEC for holidays in quieter periods to support children with additional needs. If parents feel that their child will struggle, please contact school who may be able to offer signposting, advice and guidance as to strategies that could help with this – for example securing priority boarding for flights, holidaying in the UK, accessible sites, autism-friendly resorts and locations etc.

## Leeming School Military Context and Evidencing Need

We are very aware that our school is in a unique context being based behind the wire, and that therefore, service issues will sometimes precipitate the need for exceptional leave of absence – such as visiting a new school before a posting, challenges relating to spousal deployment, living away from support networks etc. We wish to recognise these additional challenges, and make provision for them where possible, so are introducing a ‘service linked’ category for leave of absence requests (see form – please tick if the absence is specifically linked to the challenge of service life).

However, the mobility, change and disruption of service life (even pupils who, themselves, do not move, experience this all around them) makes good attendance *even more important*. Research has shown that service pupils generally experience more academic challenges around gaps in learning etc. than their peers, and therefore any further absence will exacerbate this.

For this reason, we will be requesting evidence be provided to support leave of absence requests.

We will endeavour to continue to retain a pastoral understanding of the challenges that our families face when considering whether or not a request for Leave of Absence will be authorised, whilst also emphasising the vital importance of being in school to ensure the best educational provision for all pupils. If you have any questions, please contact the school directly and discuss these.

### Deployment Leave

We recognise that spending time together as a family to connect with one another when service personnel leave for or return from active deployment is incredibly important. Equally however, research evidence suggests that multiple disruptions to routines are negative to children’s wellbeing, and that where possible, maintaining consistency and normality is key to children navigating periods of transition and change.

When considering whether to grant pre/post-deployment leave, the following criteria will factor in to the school’s decision:

* The duration of the deployment
* Whether additional Leave of Absence in Exceptional Circumstances (LoAEC) has already been granted within the last 12 months
* The overall absence profile of the child
* The proximity of return to other school holidays
  + For instance, if a parent returns from deployment a few days before Easter break, it would be unlikely that an extended LoAEC would be granted, as a holiday/time together could take place in the usual school vacation period.
* The proximity of the requested leave to the deployment
  + For instance, requesting a LoAEC for ‘family time after deployment’ would usually be considered *within the term* of that parent’s return. It would not usually be applied a few months after the parent’s return, as other school holidays would have taken place in the meantime.
* Whether the LoAEC clashes with national examinations (e.g. SATs)
* The duration of the requested leave

In all instances of service / deployment linked LoAEC requests, evidence from line manager (SNCO or above) will be required. If this cannot be secured in advance of the Leave Request (e.g. service personnel are away and spouse has no contact with CoC) then please discuss this with the headteacher - *provisional authorisation will likely be given subject to evidence being provided as soon as possible*. If it is later found that the form presented inaccurate information, the absence will be recorded as unauthorised.

# Application Form: Leave of Absence in Exceptional Circumstances

I am requesting exceptional leave of absence for the following:

|  |  |  |
| --- | --- | --- |
| **Name(s)** |  | |
| **Class(es)** |  | |
| **Dates:** | From: | To: |
| **Number of school days missed** |  | |

### Reason

|  |  |  |  |
| --- | --- | --- | --- |
| **Category** | **Please tick** | **Service Linked?** | **Evidence required?** |
| 1. Service Personnel leaving / returning from active deployment |  |  | Letter 1 (signed) |
| 2. Inflexibility of the parents’ leave is part of the organisation or company policy |  |  | Letter 2 (signed) |
| 3. Leave recommended as part of parents’ or child’s rehabilitation from medical or emotional problems. |  |  | Clinician Letter |
| 4. When a family needs to spend time together to support each other during or after a crisis. |  |  | Details below. |
| 5. One off, never to be repeated occasion which can only take place at the time requested\* |  |  | Case by case. |

\* N.B. Category 5 refers to events with set dates, such as an immediate family wedding, medal ceremony etc. It does *not* cover: holidays linked to family get togethers, visits to family across the country, ‘once in a lifetime’ trips etc.

### Details (for any category)

Please provide details below. If additional evidence is required (see above), please obtain this as well.

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…………………………………………………………………………………………………………………………..

Signature of parent/carer………………………………….. Date………………..

### Review by Headteacher

|  |  |
| --- | --- |
| **Authorised?** |  |
| **Category / Reason /  Notes** |  |
| **Signed** |  |

Parents will be notified of the outcome of this request via School Ping.   
Office use only:  Response sent (ping)  Paperwork filed  Register updated

## Letter 1: Service Deployment (Category 1)

This should be completed by a line manager responsible for staffing (SNCO or above).\*

Dear Headteacher,

*Please tick:*

I am writing to confirm that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is due to deploy / be away from home for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ months shortly.  
OR:

I am writing to confirm that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will be returning from a deployment / period away from home of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ months shortly.

Therefore, please consider granting a term time leave of absence for their child(ren), to enable them to spend valuable family time together linked to this period of deployment.

Best regards,

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Letter 2: Inflexibility of Leave (Category 2)

This should be completed by a line manager responsible for staffing. If this is a service request, it should be completed by SNCO or above.\*

Dear Headteacher,

I am writing to confirm that as a result of company / organisation policy, leave requests are inflexible. This means that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is unable to take leave during the school holidays

I provide further details below: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Therefore, please consider granting a term time leave of absence for their child(ren), to enable them to spend family time together.

Best regards,

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*If this cannot be completed at time of application (e.g. personnel already away and no contact with CoC) then please discuss this with the headteacher as authorisation may be granted provisionally subject to evidence being provided at a later date.