

30 May 2017

Children's Services  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

To: All Headteachers

LA Circ: A109/17

Your Ref.:

Our Ref.:

Dear Headteacher

**Re: Unauthorised absence from school –requests for Leave of Absence (holidays in term time)**

There has been much media attention over the last year regarding Leave of Absence (holidays in term time) where the term 'regular' has been considered at some length by the courts.

On 6<sup>th</sup> April 2017 the Supreme Court released its judgement that the term regular means 'in accordance with the rules prescribed by the school' i.e. to attend for all the sessions that the school is open.

The Education (Penalty Notice) (England) Regulations 2007 supports offences under Section 444 of the Education Act 1996. Penalty Notices supplement existing sanctions available under section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision.

It is the responsibility of the Headteacher to consider whether absences are authorised or not dependent upon the reason provided by the parent / carer. Therefore, if the school advises a parent / carer that a Leave of Absence does not meet the test of exceptional circumstance the absence will be marked unauthorised and there would be evidence of the child failing to attend school regularly.

It remains that case that the point above should be considered and, where the threshold is reached, the Local Authority is notified and the matter will be considered for the issuance of a Penalty Notice. All other processes remain in place to assist in managing and supporting school attendance.

Wiltshire Council is currently revising its Code of Conduct which has been in place since 2008. This will be released via WASSH and Primary Heads Forum ahead of the new academic year and advise of the threshold to be taken into account from September 2017.

The attached information can be released via schools to all parents / carers to inform of the position and to remind parents / carers of the legislation.

Yours sincerely



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