

28th March 2023

Dear Parents and Carers,

Broomgrove Schools have a statutory duty to ensure that children are in attendance at each school. Over the current academic year, requests for a leave of absence due to holidays in term time have increased. We are unable to authorise any such requests and from 1st April 2023, both schools will be issuing Penalty Notices under the guidance of the Attendance Policy.

### **School Attendance and the Law**

By law all children of compulsory school age must receive an appropriate full-time education (Education Act 1996). Parents have a legal duty to ensure their child attends school regularly at the school at which they are registered.

Unauthorised absence may result in Broomgrove Schools referring to the Local Authority for sanctions and/or legal proceedings. This may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction. All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice.

**There is no entitlement in law for pupils to take time off during the term to go on holiday.** In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers **may not grant any leave of absence during term time** unless there are "exceptional circumstances" and they no longer have any discretion to authorise up to ten days of absence each academic year.

It is a rule of Broomgrove Schools that a leave of absence **shall not** be granted in term time unless there are reasons considered to be exceptional by the headteachers, irrespective of the child's overall attendance. Only the headteachers may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the schools. Where a parent removes a child when the application for leave **was refused** or **where no application was made to the school**, the issue of a penalty notice **may be requested** by Broomgrove Schools in accordance with the Essex Code of Conduct.

A Penalty Notice may be issued where there have been at least 10 consecutive sessions (5 days) of unauthorised absence for the purpose of a holiday, however, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two calendar weeks of September due to a term-time holiday.

**At Broomgrove Schools 'exceptional circumstances' will be interpreted as:**

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time (as determined by the headteachers). The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time, outside of school term time.

**We will not consider applications for leave during term time:**

- at any time in September. This is very important as your child needs to settle into their new class at the start of the academic year as quickly as possible.
- during assessment and test periods in the school's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

As always, we will continue to work with the families in our community to provide the best possible outcomes for the children in our care.

Kind Regards



Karen Wright  
Headteacher  
Broomgrove Junior School



Alison Grigg  
Headteacher  
Broomgrove Infant School