

Absence from School for

Exceptional Circumstances – A Guidance for Parents – March 2021

The information below is designed to help parents understand how and when leave of absence in exceptional circumstances may be granted.

The decision to authorise absence is at the head teacher's discretion based on their assessment of the situation. Circumstances vary from school to school and so there can be no absolute rules on this subject.

Term times are for education. This is the priority. Children and families have 175 days off school to spend time together, including weekends and school holidays. Head teachers will rightly prioritise attendance. Generally, absences **will not** be granted during term time and **will only** be authorised by the head teacher in exceptional circumstances.

Penalty Notices for term time leave are issued based on information and referrals received from schools. The Local Authority cannot override the decision made by the Headteacher to unauthorise the absence. If you have any reasons to believe the Penalty Notice should not have been issued please contact the school within 10 working days. There is no statutory right of appeal against the issuing of a Penalty Notice.

COVID 19 Pandemic impact- The disapplication of the law around issuing of PN fines resulted in temporary suspension of fines as the absences were authorised. From the 8th March 2021, pupil attendance will be mandatory and the usual rules on attendance will apply. Therefore, the ability to issue sanctions, including Penalty Notices, in line with Local Authority's PN code of conduct will also be resumed.

Frequently Asked Questions

What are exceptional circumstances?

Exceptional circumstances are one off events which are unavoidable, examples may include the death of a close relative, attendance at a funeral, respite care of a looked after child, a housing crisis which prevents attendance.

I explained my exceptional circumstances to the school yet I was still issued with a PN fine. Can this be reviewed by the Council?

No. Only the head teacher of a school can authorise any absence under exceptional circumstances. The County Council cannot override any decisions made by the head teacher. If a request is sent to the Council then a PN fine will be issued based on the information received.

My child's attendance record is generally good, can I still be issued a fine for short time unauthorised holiday?

The Cambridgeshire Penalty Notice Code of Conduct allows Penalty Notice fine to be issued for holiday taken for 3 days or more.

Which parent receives the fine?

Where both parents live together and have day-to-day care and also any absent parent who has frequent contact with the child and is named in the child's school records may receive a fine for each of their children. This will include parents who allow their child to go on holiday with another family member or friend of the family.

Who is fined when parents do not live together?

The situation can become complicated where parents do not live together and both wish to remove their child from school at separate times during the same academic year. Where parents are separated, if an absence request is submitted by the parent not involved with the absence, then both parents may be fined.

Who is considered to have parental responsibility?

The definition of a parent is anyone who has parental responsibility for the child and/or any adult with day to day care and responsibility. (Section 576 Education Act 1996). This will include step parents and cohabiters, partners of older pupils if the partner is over 18 years of age and they are living together, other relatives with residency orders.

What happens if I am a self-employed worker e.g. a Farmer, is an employee with fixed holiday dates, or is on a holiday rota set by my employer?

It is advisable for parents to discuss this with their child's school prior to making any arrangements for absence during school term times. Legislation no longer allows Head teachers to authorise 10 days absence from school for a term time holiday. If you are self-employed then you are able to select when you take your annual leave.

We want to go on a trip of a lifetime. Could this be an authorised absence?

No, this would constitute a family holiday. The Head teachers cannot authorise term time holidays, unless there accept the reason for leave of absence is exceptional.

I have a significant number of relatives abroad and may need to spend an extended period in another country. Could this be an authorised absence?

Head teachers are bound by law to discourage families from taking trips during term time, whatever the reason given.

Can I have a payment plan or make part payments?

No, The Code of Conduct does not allow part payments or payment plans.

The Primary school authorised the absence but I received a PN fine for my secondary school aged child. Is there no consistency?

The Government has given the authority to individual head teachers to make their own decision based on the explanation provided by the parents. What is exceptional has not been defined by the government and therefore individual opinions may differ between head teachers. However, the county council does encourage schools to work together but at the same time take into account circumstances of the individual child's needs.

Could an absence to attend a religious observance or festival be an authorised absence?

Absence that is due to religious observance must be authorised. The day should be marked as authorised where there is an element of worship associated with the religious observance. The religious observance days are set apart by the religious body of the individual religion, not determined by the parents.

Can I receive a PN fine if my child's absence is COVID -19 related?

For the school year 2020 to 2021, the Government has amended the Attendance Guidance to take into account instances when a pupil is not attending in circumstances relating to COVID-19.

A PN fine will not be issued when a school authorises the absence on the basis that: parents are following government guidance on self-isolation due to incidence or transmission of the coronavirus or parents are prohibited from sending children to school by any legislation relating to the incidence or transmission of coronavirus