

## **CABINET REPORT: Education Investigation Services: Code of Conduct – Fixed term notices**

### **ADDENDUM - To insert after paragraph 17 in draft Code of Conduct:**

*The following paragraphs will be inserted into draft Code of Conduct to clarify the issue relating to Head Teacher discretion to authorise term time absence:*

18. In 2015 the DfE published statutory guidance for local authorities, school leaders, school staff, governing bodies and the police in relation to School Attendance: Parental Responsibility Measures
19. The guidance relating to the Local Authority's Code of Conduct identifies that unauthorised absence due to holidays taken during term without the school's permission can trigger the issuing of a fixed penalty notice of £60 (if paid within 21 days of receipt) , rising to £120 if paid after 21 days but within 28 days.
20. Since September 2013 headteachers have only been allowed to make a discretionary decision to allow term time absence ***in exceptional circumstances***. If an event can reasonably be scheduled outside of term time then it would not be normal to authorise absence.
21. ***Absence during term time for holidays is therefore not considered an exceptional circumstance.***
22. Exceptional circumstances are not specified in the DfE guidance, however advice from the National Association of Headteachers identifies the following possible exceptional circumstances:
  - Absences to visit family members are not normally granted during term time if they could be scheduled for holiday periods or outside school hours. Children may however need time to visit seriously ill relatives
  - Absence for a bereavement of a close family member is usually considered an exceptional circumstance but for the funeral service only, not extended leave
  - Absences for important religious observances are often taken into account but only for the ceremony and travelling time, not extended leave
  - Consideration of the needs of the families of service personnel, if they are returning from long operational tours that prevent contact during scheduled holiday time
  - Schools have a duty to make reasonable adjustments for students with special educational needs or disabilities
  - Families may need time together to recover from trauma or crisis.
23. The guidance also identifies that it is acceptable to take a student's previous record of attendance into account when making decisions. It is also important to note that head

teachers can determine the length of the authorised absence as well as whether absence is authorised at all.

24. In order for a penalty notice to be issued:

- The rules must be laid out, available and communicated to parents (attendance/behaviour policy)
- Parents must be warned that a PN may be issued (policy, newsletters, leave application, warning notices)
- The leave application must have been refused and communicated
- The absence must be unauthorised and subsequently taken
- If parents take the leave without making an application it has to be proven that unauthorised leave was taken.