

Dear Parents/Carers

## UNAUTHORISED LEAVE OF ABSENCE FROM SCHOOL

North Lincolnshire Council Virtual School and Inclusion fully supports all our schools and settings in addressing unauthorised leave of absence, in an attempt to reduce absences taken in term time for all our children. Every school age child has a legal right to access their educational opportunities in full.

*In the academic year 2022-23, approximately **53,000** sessions were lost due to 10 sessions or more of unauthorised leave of absence from school (G code). This equals **26,000 days of lost learning**, due to parental choice to take leave during school time.*

The Department for Education (DFE) has advised alongside legislation, that leave for the purpose of a family holiday, is not identified as an exceptional circumstance and as such does not meet the criteria for parents to request leave of absence. Exceptional refers to a “one off” incident where the absence cannot be taken outside of school time. There are 190 academic school days each year with a remaining 175 days that a child is not required to attend school.

*On 6th April 2017 the Supreme Court ruled in the Isle of Wight Council v Platt case, that regular attendance at school meant that **a parent must ensure their child attends school every day on which it is open**. Every child must receive an education between the school term after their 5th birthday and the last Friday in June in the school year they turn 16.*

North Lincolnshire Council urges parents and carers to work with their child’s school and ensure that school processes are followed if a parent/carer feels it is necessary to request leave of absence for exceptional circumstances. Schools will always ask and expect evidence of the need for any absence prior to the dates in question and before considering authorising as per their own school attendance protocols. Parents/carers should ensure they have the appropriate permissions from school in writing prior to the expected absence date.

Penalty notices and prosecutions are activated per adult per child.

Parents/carers should be aware that **as of 19 August 2024**, the DFE alongside the Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments) set out a revised framework for how penalty notices for school absence must be used. The national framework for penalty notices is published within “Working Together To Improve School Attendance”. The revised framework has made significant changes to the penalty notice charge and the number of times one can be issued to each parent/carer.

A parent includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in **section 576 of the Education Act 1996**. Penalty notices will usually be issued to the parent or parents with day to day responsibility for the pupil’s attendance or the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

The revised national framework for penalty notice issue sets out a maximum of 2 penalty notices per child, per parent to be issued within a 3 year period increasing in cost for the second notice.

Parents/ carers often contact the local authority after information is received to indicate a penalty notice is to be issued to them and as such parents/carers are reminded that the Council **will not** overturn a school decision to unauthorise an absence and any request for penalty notice intervention. There is currently no statutory right of appeal against the issuing of a penalty notice.

If you have any concerns or wish to discuss this letter further, please contact your child's school directly in the first instance.

Yours sincerely

Joanne Westaway  
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