

Warwickshire County Council
Communities Directorate

PROCESS MAP
Leave of Absence in
Term Time

School will make all parents aware of Attendance Regulations regarding Leave of Absence by way of the school policy, termly newsletters and website
(see additional guidance below including updated guidance on COVID-19)

KEY
 School
 WA Service

APPLIED FOR IN ADVANCE - Parent with whom the pupil normally resides submits application for Leave of Absence (written or verbal), detailing their exceptional circumstances, in advance and return to Head Teacher or person authorised by Head Teacher for consideration

Head Teacher or person authorised by them decides whether circumstances are exceptional in accordance with Education (Pupil Regulations) (England) Regulations 2006 as amended by Education (Pupil Regulations) (England) (Amendment) Regulations 2013

- Detailed and Accurate records of ALL conversations held with the parents regarding the LOA application and decisions must be kept by the school – dated and signed

Split decision by school - where only part of the leave request has been refused

Each application must be considered on a case by case basis and on its own merits with a common sense approach

PLEASE SEE SECTION 10 OF FAQ FOR GUIDANCE ON THIS

NOT APPLIED FOR IN ADVANCE. On first day of absence, school follow their absence procedures as outlined in their attendance policy. (It is important to note for LoA that school must not rely on hearsay – School must establish with the resident parent that the absence was for the purpose of a family holiday)

- Pupil absent – School contact parents who state they are on holiday. **During the conversation/response school need to inform parents that as LoA not applied for in advance the LoA will not be authorised, possible referral to WAS and FPN**
- Pupil absent – School receive communication from parent stating they are on holiday. (ie voice message/email). **School must make contact with the parents to inform them as LoA not applied for in advance the absence will not be authorised, possible referral to WAS and FPN**
- School unable to establish contact - letter received after pupil returns to school from parent informing school that pupil had been absent due to holiday/LOA **Clear documentary evidence must be gathered by the school which demonstrates the above and supplied with the LOA referral**

Non-resident parent applies for LOA (verbal OR written)

School unable to consider LOA request. Letter D sent to non-resident parent.

School to keep record of the LOA dates requested in relation to the pupils – Do not enter onto the Attendance module of SIMS but comments box can be utilised

- At this point do not contact resident parent

No LOA request received. School to contact parent in line with normal absence procedures when pupil absent from school.

LOA request form received from the resident parent. School to process as normal

Parent with identified language/Adult literacy barriers

LoA request processed in line with school procedures. School must evidence that parents are aware of legislation changes and schools procedures as outlined in their newsletters/policy. (This must include both parents as appropriate) (Equality act 2010 – making reasonable adjustment)

Language barrier – Additional support must be evidenced to ensure that all parties involved in LoA request are informed and understand that LoA will be unauthorised, including the reason and that this could result in a FPN being issued.

- Schools 'Language' extract to be included in paperwork.
- Letter read to all relevant parties.
- Log of discussion must be kept.
- Language barrier must be identified on referral paperwork.

School to ensure that all normal LoA procedures are then followed.

Adult Literacy – Additional support must be evidenced to ensure that all parties involved are informed and understand that LoA will be unauthorised, including the reason and that this could result in a FPN being issued.

- Letter read to all relevant parties.
- Log of discussions must be kept.
- Literacy barriers must be identified on referral paperwork.

School to ensure that all normal LoA procedures are then followed.

Application accepted by school

Each application must be considered on a case by case basis and on its own merits

Head Teacher agrees number of days and expected date of return and informs parents by letter B including reasons for decision (see pack)

- School use box must be completed in full
- one letter per parent per child
- Record of COVID discussion completed.

Application refused by school

Each application must be considered on a case by case basis and on its own merits

Parents informed by letter that LOA is not authorised. This letter must be posted first class with at least 3 working days prior to start of the leave.

- Letter A sent – one letter per parent per child
- School to ensure reasons for LOA being declined are enclosed with letter (school use only box on LOA form completed in full)
- Record of COVID discussion completed.

Short notice LOA request – School contact parents verbally and inform them of the decision including reason, also informing parent that LOA will be unauthorised and possible referral to WAS and FPN. LOA followed up in writing and posted first class.

- Letter AA sent – one letter per parent per child
- School to ensure reasons for LOA being declined are enclosed with letter (school use only box on LOA form completed in full)
- Record of COVID discussion completed.

Confirmation letter to parents informing that leave of absence not authorised.

- Letter C sent – one letter per parent per child
- Record of COVID discussion completed.

The school use only box MUST NOT BE COMPLETED

School mark leave as authorised (H code)

Pupil returns on date agreed

No further action

Pupil does not return on date agreed

School follows safeguarding absence procedures and/or CME Procedure

School identify leave as unauthorised (G Code)

School forward a copy of the completed LOA referral form, an up to date attendance certificate, copies of letters sent to parents, copies of any further correspondence/communication including COVID-19 destination discussions

AND

Where LoA requested in advance: The LoA request received from resident parent and the completed school use only box

OR

Where LoA not requested in advance: Evidence of LoA not applied for in advance (see above) to the Warwickshire Attendance Service (WAS) - Statutory on wasstatutoryreferral@warwickshire.gov.uk

Please ensure that this is done within two days of return from the LOA.

In order to comply with the WCC FPN Code of Conduct all unauthorised LoA must be forwarded to WAS

WAS will keep the school informed for the status of referral until closure.

All verbal communication held with the parents regarding the LOA request including destination queries for COVID-19 quarantine purposes must be recorded.

These records should be detailed and accurate, including dates and details of discussions. This relevant information will form part of the case and will be relied upon should the matter proceed to court

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COVID-19

In line with current Government and Public Health guidelines pupils returning to school after a leave of absence maybe subject to a period of quarantine. It is therefore necessary to establish the destination of the leave of absence in order to cross reference with the UK Quarantine list for all absences whether authorised or unauthorised.
<https://www.gov.uk/guidance/coronavirus-covid-19-countries-and-territories-exempt-from-advice-against-all-but-essential-international-travel>.

Any discussions with parents in relation to this matter must be recorded in full by the member of staff involved, dated and signed.
This record must be forwarded to the Warwickshire Attendance Service with the unauthorised leave of absence referral.

Split decision by school

Each application must be considered on a case by case basis and on its own merits with a common sense approach
School need to ensure a fair and consistent approach, with a clear rational

Schools will follow the same procedures as when it refuses a LoA however letters E or EE in the place of letter A or AA. Letters MUST clearly state which days have been authorised and which days have NOT been authorised. The LoA form - school use only box is to clearly state which absences have been authorised and which have NOT been authorised AND the reason for the decision.

School must be able to evidence the following prior to a LoA referral being accepted (as per WCC's code of conduct for penalty notices). It is recommended that the WCC guidance and letter templates are used in relation to LOA with no changes

- School Attendance Policy (if available) outlining LOA **OR**
- Information about school's communication with parents regarding leave of absence within the current academic year (e.g. newsletter- it is advised schools regularly reference to LOA in newsletters)

Documentation to be sent to WAS asap after the LoA period:

- Referral form (ensure completed in full)
- Records of conversations between school and parents (signed and dated) including COVID-19 destination discussions
- Leave of Absence Request Form (if completed) or detailed notes of discussions with parents relating to the request (these must include dates and times of discussions)
- Registration certificate for the academic year showing unauthorised LoA dates (which includes name and address of parent[s])
- Any additional information (signed and dated)

For LoA applied for in advance:

- Copies of the letters from Head teacher advising parents request for leave of absence has been refused - signed/dated and on headed paper (this also includes a copy of the completed LoA request outlining the reason for the decision – school use only box completed in full)

OR

For LoA not applied for in advance:

- Copy of letter from Head teacher advising parent request for leave of absence has been refused – signed/dated and on headed paper

Important points to note

It is vital that parents are informed in verbal communications that the LoA is unauthorised and stating the reasons for this and that this will result in a referral to the WA service which may lead to a Fixed Penalty Notice be issued. (Minutes to all discussions must be dated and signed)

- It is the Head Teachers/designated person's decision to unauthorise/authorise absences
- School must ensure fairness and consistency when referring to the WA service for consideration of a Fixed Penalty Notice
- It is the Local Authority's decision if the schools evidence is sufficient to issue an FPN in line with the code of conduct
- Caution is advised when other staff discuss LoA with parents, this should only be in line with the guidance from the designated member of staff and must be accurately recorded
- Head teachers/Designated person must be prepared to complete a witness testimony in the event of a FPN not being paid. This will involve support by the WAS and WCC legal services, it is the responsibility of the Head Teacher to ensure that these are provided to a satisfactory standard with supporting evidence within tight timescales which may include schools holidays
- Once the legal process has been initiated (ie FPN issued) the school must direct any queries from parents to the WA service – ensure you record and then inform WAS of these discussions