Holidays in Term Time – Guidance for Schools.

This guidance is issued as part of the LEA's Behaviour and Attendance Strategy and is intended to assist head teacher's, governors and school staff in making decisions about authorising holiday leave during term time.

Regulations and Guidance

The law says that parents/carers do not have the right to take their child out of school for a holiday during term time.

On application made by the parent/carer with whom the pupil normally resides, schools have a **discretionary power** to grant up to 10 days absence in a school year for a family holiday if they believe that the circumstances warrant it. No parent/carer can demand leave of absence for the purposes of a holiday as a right.

Schools may agree up to 10 days "holiday leave" in special circumstances such as:

   a. for service personnel and other employees who are prevented from taking holidays outside term-time if the holiday will have a minimal disruption to the pupil's education.

   b. when a family needs to spend time together to support each other during or after a crisis.

   c. a one-off never to be repeated occasion that can only take place at the time requested.

Holidays which are taken for the following reasons should not be authorised:

   • availability of cheap holidays;
   • availability of the desired accommodation.
   • poor weather experienced in school holiday periods; and
   • overlap with beginning or end of term.

The Education (Pupil Registration) Regulations 2006 clearly make the point that the head teacher has the final decision as to whether to authorise a holiday or not.

   • Any request for leave should be made in advance. Holidays cannot be authorised retrospectively.

   • If a school does not agree an absence and the pupil goes on holiday, absence is unauthorised.

- If a parent/carer keeps a child away for longer than was agreed, any extra time is recorded as unauthorised.

- Both the school and the LA must make reasonable enquiries to locate a pupil who fails to return from extended leave of absence before deleting the pupil from the registers.

A clear procedure for requesting leave of absence should be available to parents/carers and included in the schools prospectus and policy statement. (See revised application pro-forma attached)

Head teachers and Governing bodies should have clear policies on promoting school attendance. The head teacher's discretion to grant leave should be used sparingly but this discretion should not be fettered by applying policies (for example, blanket bans) which prevent assessment of each application on its individual merits.

Schools should not, as a rule, grant leave:

- If the child's attendance record over the last 20 weeks is less than 90%.

- If the period of leave coincides with the start of term, exams or other significant events in the school calendar.

Some schools have reported an increase in the number of parental requests for short periods of term-time leave on more than one occasion during the school year rather than one "annual" holiday.

It is the intention of the regulations that the discretion on the part of the school to grant leave relates to "going away" on holiday. It is therefore not intended to cover day trips or taking a holiday at home. Head teachers may however use their discretion to grant separate periods of holiday leave in exceptional circumstances (for families to go away on holiday) provided that in doing so the total amounts to no more than 10 days in the school year.

Extended leave

Save in very exceptional one-off circumstances, a pupil shall not be granted more than ten school days in any school year and parents/carers must make out a particularly strong and persuasive case for taking the child away for more than two weeks of the school term. In such cases schools should explore with parents/carers why such leave is necessary and agree a clear date for the pupils return.

Where holidays of more than two weeks duration are planned to visit family members overseas, school staff may wish to discuss with parents/carers the most appropriate time of year and point in the pupil's educational career for the visit, so as to minimise the effects on the pupil's education.

In a small number of cases schools could have concerns about a pupil's welfare, such as that the pupil will be forced into marriage whilst abroad. In such cases, the school should seek support from their local authority.

<u>Parental responsibility</u>

Sections 444A and 444B of the Education Act 1996 introduced penalty notices as an alternative to prosecution under section 444. Parents may discharge potential liability for conviction for an offence under section 444 by paying a penalty. There is no legal requirement for there first to have been a penalty notice before proceeding to prosecution.

Where schools have evidence that unauthorised absence has been taken for holidays in term time a referral may be made to the Education Social Work Service (ESWS) to consider legal action. Schools should take into account any exceptional or mitigating circumstances. In the first instance the response from the ESWS may be a warning letter emphasising that holidays should not be taken in term time. Where the ESWS has issued an LA warning letter the school should inform the ESWS if further holidays are taken in term time so that consideration can be given to parental prosecution in the courts or issue of a Penalty Notice. The penalty is £50 if paid within 28 days, rising to £100 if paid after 28 days but within 42 days. If the penalty is not paid in full at the end of the 42 days the LA must prosecute for the offence. Before issue of a Penalty Notice the following therefore needs to be in place:

- A Headteacher's Certificate of Attendance for the period in question.
- A Headteacher's witness statement.
- A copy of the holiday application form and reply (if applicable)

Where a parent fails to pay a penalty notice issued in these circumstances, the evidence provided by the Headteacher will be the evidence laid before the court, alongside a Certificate of Confirmation of non-payment of the Penalty Notice.

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