

Holidays in Term Time Frequently Asked Questions

Why have the rules on Holidays in Term Time changed? / Why has my child's school told me that they will no longer authorise term time holidays unless there are exceptional circumstances?

In July 2012, Charlie Taylor (the Government's expert advisor on behaviour at that time) was asked by Michael Gove (Secretary of State for Education) to conduct a review of school attendance.

Mr Taylor stated in his report that if children are taken away for a two week holiday every year and have an average number of days off for sickness and appointments, then by the time they leave at sixteen they will have missed a year of school.

Mr Taylor's report recommended that changes were made to strengthen the rules on term time holidays, and that whilst head teachers should continue to have some discretion over the issue, holidays in term time should be the exception rather than the rule.

In his response to the report, Michael Gove endorses this recommendation, stating that more needs to be done to discourage term time holidays and that the rate of these absences in primary schools is double that of secondary schools. He comments that the expectation will be that schools only give permission for absence where there are exceptional circumstances that warrant it.

Head Teacher's Associations welcomed the recommendation to strengthen rules on term time holidays, recognising the disruption that holidays can cause to a pupil's education. Following consultations, the law around term time holidays was then changed from 1st September 2013.

What does the law now say about Holidays in Term Time?

It says that from 1st September 2013, Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head Teachers should determine the number of school days a child can be away from school if the leave is granted.

If my child's school refuses to authorise my term time holiday request, will I receive a fine (Fixed Penalty Notice) and can I be prosecuted?

Durham County Council's Fixed Penalty Notice Protocol acknowledges that regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

Circumstances where a Penalty Notice might be issued include unauthorised holidays in term time, but only where the holiday absence amounts to ten days or more in any period up to a maximum twelve rolling school weeks. You can be prosecuted if you receive a fine and it is not paid.

Under the Education Act 1996, parents commit an offence if they fail to ensure their child's regular school attendance. Taking a child out of school for a holiday without permission, and where the absence amounts to ten days or more of unauthorised absence is viewed as failing to ensure your child's regular attendance at school.

Payment of a Penalty Notice, where offered, is an alternative to prosecution. If unpaid, prosecution for the Education Act offence may therefore ensue. A fine will be issued to **each person with parental responsibility** for the child / children who is deemed liable for the offence / offences.

What if I applied for a holiday in term time before the law changed?:

If you made an application to the school for a holiday in term time before the law changed on 1st September 2013 for a holiday application in the 2013 / 2014 academic year, where the holiday was authorised, the previous 2006 regulations will apply. This means that if your holiday request, made before 1st September 2013 was authorised, schools are generally honouring the authorisation. However, any authorisation for any leave of absence during term time is ultimately the decision of the school's Head Teacher.