

GUIDANCE TO ESSEX SCHOOLS ON PUPIL HOLIDAYS IN TERM TIME

Parents do not have the right to remove their children from school for the purpose of a family holiday, but need to seek the permission of the head teacher. Under the Education (Pupil Registration) Regulations 2006 permission for leave of absence for a family holiday should only be given in special circumstances and the head teacher has the discretion as to whether the circumstances warrant leave of absence on this basis. The regulations allow schools to authorise up to 10 days for a family holiday and only in exceptional circumstances should this be exceeded.

Each request can only be judged on a case-by-case basis and head teachers should use this discretion sparingly and not fetter this discretion by applying policies which might suggest that each application has not been considered on its individual merits. (e.g. blanket bans or bestowing a right of 10 days absence for this purpose).

The DCSF publication “**Keeping Pupil Registers**” provides guidance on what to consider when making the decision to grant permission for a family holiday

“Family Holidays

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 minimal disruption to the pupil’s education; and*
- b. when a family needs to spend time together to support each other during or after a crisis.*

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. “*

Essex EWS will consider any requests from a school to issue a penalty notice to parents when a head teacher has refused to authorise the absence and the parent wilfully removes the child from school for a holiday.

It is vital that schools ensure parents are aware of the possibility of a penalty notice being issued, which could lead to prosecution if they fail to pay. This information must be included in school literature, such as school prospectus, home-school agreements, holiday request forms, newsletters, attendance and behaviour policies and web sites.

The decisions whether to authorise a holiday or not should be justifiable and any reasons for rejection recorded and conveyed to the parent(s) in writing. A letter refusing a request should explain that the reason for the request is not deemed to be a special circumstance and that a penalty notice may be issued if the holiday is taken without the school’s permission.