

Clarification 'Holidays in Term Time'

Thank you to the majority of parents who recognise the importance of school attendance. Regular attendance at school is vital to help children achieve and get the best possible start in life. Despite having published the school's Attendance Policy on the school website, there still appears to be some misunderstandings about the granting of permissions for parents who want to take their child/children out of school during term time. Following the definitive Supreme Court ruling following the so called 'Isle of Wight' case (2017), the Governing Body, which of course includes the Headteacher, felt it should try and make the situation crystal clear to all parents/carers. What follows is a statement of fact, not conjecture. This document is not designed to be authoritarian or threatening but to present a clear, comprehensive statement of Hawthorn Tree School's policy in this matter. If having read the document, you have any questions or misgivings about the policy please do not hesitate to contact the school.

Once you have registered your child at a school it is your responsibility to make sure that she/he attends regularly and punctually. If you fail to do so the Local Authority has a statutory duty to consider legal action to enforce school attendance.

The Law: The Education (Pupil Registration) (England) Regulations 2006 (Amended September 2013) makes it clear that Headteachers **may not** grant any leave of absence during term time unless there are 'Exceptional Circumstances'.

Am I allowed to take my children out of school for a holiday? In a word, no.

The official line from the government remains that parents must obtain permission from their child's Headteacher if they want to take him or her out of school during term-time.

Can the Headteacher authorise my holiday?

The Headteacher **cannot** authorise school absences solely for the purpose of a family holiday. There may be many reasons for which a family may *wish* to plan a holiday in term time, including restrictions at work or financial opportunities, however, these do not override the constraints placed on Headteachers not to authorise 'family holidays'.

What happens if I either take absence without requesting it, or if I do not abide by the judgment of the school?

Any unauthorised absence will be recorded on your child's attendance records and where appropriate will be submitted to the Local Authority. This **may** result in legal proceedings against the parents /carer, either through a Fixed Penalty Notice or the Magistrates' Court.

Headteachers are obliged to inform the Local Authority that your child was absent from school. The LA can then issue a fixed penalty notice of £60 per child, per parent per absence. The fine is an alternative to going to court, so if you refuse to pay, the case will be referred to the Magistrates Court. Failure to pay a fixed penalty notice reverts back to a Section 444 1 Education Act 1996 offence and you will face prosecution in the Magistrates Court.

According to the current law, absences during term-time will only be accepted under 'exceptional circumstances' the term is broadly understood to mean illness, family bereavement, attending a close family wedding or a family matter along those lines.

A written application must be made to the Headteacher in advance of the absence (the schools policy is with at least 14 days' notice). It is extremely unlikely that permission will be granted for a holiday.

How long will I be given under exceptional circumstances?

Exceptional circumstances can only be authorised for the period in which the exceptional circumstance occurs and will not be extended beyond the minimum time required. For example, the attendance at a

funeral of a close family member may be authorised for the day of the funeral and the time involved in travelling to and from the venue (dependant on distance). Additional time, before or after the event will not be authorised. This includes events 'overseas'.

Headteachers are obliged to report all absences: where a case of non-attendance or unauthorised absences meets the threshold for further action the school will liaise with the Local Authority (Lincolnshire) who then make the decision whether to fine parents. These fines start at £60 per child per parent, per absence, so if you are a large family, costs can quickly add up. If you are a two-parent family you could expect to be fined £120 per child per absence.

Bear in mind that if you don't pay the fine within 21 days, it doubles and if you still fail to pay then you could be taken to the magistrate's court under the Education Act 1996. Penalties at this stage vary from fines of up to £2500 plus court costs to short jail terms.

Holiday prices jump by hundreds of pounds in school holidays... I'd rather pay the FPN!

The decision is yours but remember this is the law of the land, not a school rule. Technically (for repeat offenders), the Local Authority could take the parents/carers straight to court and skip the fine. Your choice to remove your child(ren) during term time also means you have chosen to receive a FPN.

The Headteacher is the only person who can authorise absence. Headteachers are only able to authorise absence requests if exceptional reasons apply. Each circumstance will be individual and likely to receive a different response. These decisions are not arbitrary. They are taken within the tight confines of educational law. There is only the question to be answered. Is this proposed absence in term-time absence or part of it 'exceptional circumstances'? The Headteacher will base the decision on whether the absence request is exceptional rather than based on a child's attendance level. These will be dealt with on a case by case basis and the Head Teacher's decision is final.

I forgot to inform the school that my child would be absent, can it be authorised on return?

The Headteacher cannot retrospectively authorise absence from school.

The legal context

Under Section 444 1 of the Education Act, an offence occurs if a parent/carer fails to secure their child's regular attendance at the school where they are a registered pupil, and the absence is not authorised by the school. Only Headteachers can authorise absence and the only legal reasons for absence are:

1. That the absences are with leave (i.e. that they have been agreed by the Headteacher and 'exceptional circumstances' apply).
2. That the absences are because of sickness or unavoidable cause. Parents may be asked to provide evidence to support absences due to ill health, this can be through a copy of an appointment card or prescription or information from a medical practitioner.
3. That the absences fall on days of religious observance for the religion to which parents belong.
4. That the child is entitled to free transport to school and the County Council has failed to provide this.

If absences do not fall into any of these four categories or the school has not been informed of reasons for absence, absences will be marked as unauthorised and the LA informed.

Thank you for your support so that your children have the best possible attendance at school to enable them to reach their full potential.

Clarification informed by

DfE legislation & Guidance and Lincolnshire County Council Inclusion & Attendance Team

June 2017

