



BRIEFING PAPER

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Holidays during school term time (England)

By Robert Long

1. High Court judgment

On 13 May 2016, the High Court ruled in favour of Jon Platt, a father from the Isle of Wight who had refused to pay a £120 fine for taking his daughter on holiday during term time. Following a ruling by magistrates, the Isle of Wight Council had taken the issue of whether a seven day absence from school amounted to a breach of the requirement for regular school attendance to the High Court.¹

In response to the ruling, the Department for Education [stated](#) that it would look to change the legislation to enforce school attendance:

We are disappointed with the High Court judgment.

The evidence is clear that every extra day of school missed can affect a pupil's chance of gaining good GCSEs, which has a lasting effect on their life chances.

We are confident our policy to reduce school absence is clear and correct.

We will examine today's judgment in detail but are clear that children's attendance at school is non-negotiable so we will now look to change the legislation. We also plan to strengthen statutory guidance to schools and local authorities.²

The Isle of Wight Council has been granted permission to appeal the decision to Supreme Court.³

The Schools Minister, Nick Gibb, has since described the High Court judgment as "a significant threat to one of the Government's most important achievements in education over the last six years, improving school attendance."⁴

2. What is the existing position?

Parents cannot authorise absence; only schools can do this. Head teachers have discretion to grant leave during school term time, but this is not an automatic entitlement. The law governing such leave of absences was tightened up from September 2013.

The [Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#), SI 2013 No 756, amended the [Education \(Pupil Registration\) \(England\) Regulations 2006](#), SI 2006 No.

¹ BBC News, [Term-time holiday father wins at High Court](#), 13 May 2016.

² [Department for Education Twitter feed](#), @educationgovuk, 13 May 2016

³ TES, [Council gets green light for Supreme Court challenge over term time holidays](#), 30 June 2016

⁴ [PQ 40958, 29 June 2016](#)

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1751, to remove references to family holiday and extended leave as well as the statutory threshold of ten school days.

Prior to the changes, head teachers could grant a leave of absence for the purpose of a family holiday during term time in “special circumstances” of up to ten school days per year.

Under the new regulations, **head teachers may not grant leave of absence during term-time unless there are exceptional circumstances**. The regulations took effect from 1 September 2013.

Section 7 of the [Education Act 1996](#) sets out that parents have a duty to ensure that children of compulsory school age receive an education “either by regular attendance at school or otherwise.”

Department for Education [advice](#) summarises the legal powers and duties that govern school attendance, and explains how they apply to local authorities, head teachers, school staff, governing bodies, pupils and parents. The frequently asked questions section states:

Can a parent take their child on holiday during term time?

Head teachers should only authorise leave of absence in exceptional circumstances. If a head teacher grants a leave request, it will be for the head teacher to determine the length of time that the child can be away from school. Leave is unlikely, however, to be granted for the purposes of a family holiday as a norm.⁵

2.1 Fines for unauthorised absences

The imposition of penalty notices (fines) for unauthorised absence from school is not new; however, the rules on enforcing fines were also tightened up from September 2013. Since then, the amount of time a parent has to pay a fine has been reduced to allow swifter enforcement of unpaid notices. Parents now have to pay £60 within 21 days; and this will rise to £120 if paid within 22 to 28 days of the notice being issued.⁶ If the fine is not paid the parent can be prosecuted.

Penalty notices can only be issued by a head teacher or someone authorised by them (a deputy or assistant head authorised by the head teacher), a local authority officer or the police. Penalty notices can be issued to each parent liable for the attendance offence or offences.⁷

3. Petitions and Government comment

The restrictions on term-time holidays have proved controversial. A [petition](#) arguing for the introduction of an allowance for up to two weeks term time leave from school for holidays was submitted to Parliament in summer 2015, and received over 120,000 signatures. A May 2016 [petition](#) on the same subject has received over 190,000 signatures.

⁵ DfE, [School attendance: Departmental advice for maintained schools, academies, independent schools and local authorities](#), p16

⁶ [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#), SI 2013 No 757, see also the DfE [Explanatory Memorandum](#) on the 2013 regulations.

⁷ [The Education \(Penalty Notices\) \(England\) Regulations 2007](#); DfE guidance [Parental responsibility measures for school attendance and behaviour: Statutory guidance for maintained schools, academies, local authorities and the police](#), provides further information

The earlier petition received a Parliamentary [debate](#), which took place in Westminster Hall on 26 October 2015. The Schools Minister, Nick Gibb, stated that the Government would not be relaxing the rules:

When evidence attests to the benefits of good school attendance so clearly, parents have a duty to ensure that their children attend school regularly. No one in the Department for Education says that holidays are not enriching experiences—of course they are—but schools are in session for 190 out of 365 days a year, leaving 175 days in a year in which parents can take their children away on holiday. [...]

In his 2012 report "[Improving attendance at school](#)",⁸ Charlie Taylor [the Government's expert adviser on behaviour] calculated that if children are taken away for a two-week holiday during term time every year and have an average number of days off for sickness and appointments, by the time they leave school at 16 they will have missed a year of school. It is for that reason that I cannot support the request set out in the petition.⁹

4. The impact of absence: 2016 report

In March 2016, the Department for Education published statistics on [Absence and attainment at key stages 2 and 4: 2013 to 2014](#), which included the Department's conclusion that all absence had an adverse impact on attainment:

The analysis of the link between overall absence (and individual reasons for absence) and attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome. Extending this to look at individual reasons for absence did not add a greater understanding of the link between absence and attainment.¹⁰

⁸ Department for Education, [Improving attendance at school](#), April 2012

⁹ [HC Deb 26 Oct 2015 c27WH](#)

¹⁰ Department for Education, [Absence and attainment at key stages 2 and 4, 2013 to 2014](#), March 2016, p4