

**Dear Parents,**  
**The following legislation will take effect at Woodford Valley Primary School from the week beginning 01/09/2010.**

### **Holiday Absence**

Parents do not have a legal right to take children out of school on holiday. The law says that schools have the discretion to grant up to 10 days authorised holiday absence in a school year if:

- The parent the child normally lives with applies in advance for the holiday; **and**
- There are special circumstances for the holiday

### **What if the child is not going on holiday with the parent they usually live with?**

Whilst the application must be made by the parent with whom the child normally lives, there is no restriction on who takes the child on holiday. This is a matter for the parent not the school. If the parent with whom the child normally lives does not apply for the holiday this would be considered as unauthorised holiday absence and this parent would be liable to the issue of a Penalty Notice. Holiday absence cannot be authorised if anybody else applies for the holiday.

### **What is unauthorised holiday absence (Code G)?**

- A parent has made a request to a school for a holiday in term time and this has not been agreed by the school;
- A parent has not applied for holiday absence in advance of the holiday (the regulations do not allow retrospective approval); and
- If the parents keep the child away from school for longer than was agreed, the extra time is recorded as unauthorised

### **In what circumstances could holiday absence be authorised? (Code H)**

Schools have the discretion to authorise up to 10 days absence in a school year in **special circumstances** for example:

- For personnel and other employees who are prevented from taking holidays outside term time (i.e. Armed Forces

R&R) if the holiday will have minimal disruption to the pupil's education.

- When a family needs to spend time together to support each other during and after a crisis (i.e. respite).

### **In what circumstances should holiday absence not be authorised?**

- Availability of cheap holidays
- Availability of desired accommodation, including time shares
- Poor weather experienced in school holiday periods
- Overlap with beginning or end of term
- If the parents deem the trip to be 'educational'
- Due to parents work commitments

### **Penalty Notices for unauthorised holiday absence**

If the holiday absence has not been authorised by the school and the holiday is taken, where the child's total unauthorised holiday absences amounts to **10 or more sessions (5 school days)**, continuous or aggregated within the previous six months within the current academic year (including the most recent unauthorised holiday), schools are expected to notify the Education Welfare Service. The penalty notice shall be £100 if paid within 42 days. This shall be reduced to £50 if paid within 28 days. Court action will commence if payment is not received within 42 days.

### **Who receives a Penalty Notice?**

A Penalty Notice will be issued to each parent for each child named on the notification. In all cases this will be parent with whom the child lives. For absent parents, step-parents or partners it may be helpful to consider the following:

- With whom the child was on holiday?
- Was the absent parent aware of the holiday?
- Has the school sent a letter of refusal to all concerned?
- Does the absent parent have regular contact or live nearby?

**Leave of absence not regarded as a 'holiday' (authorised code C, unauthorised code O).**

There may be other circumstances when a parent may request leave of absence for their child. These would not be classified as a 'holiday' but may involve some time away from home. Examples of these include:

- The wedding of a family member
- Family bereavement
- Prison visits

Schools should consider each request individually taking the following into account:

- The nature of the event for which leave is sought;
- Its frequency (is it a one-off or likely to become a regular occurrence?);
- Whether the parent has given advance notice; and
- The pupil's overall attendance

Consideration should also be given to whether the family will need to travel during the absence. If the parent requests longer time than would appear reasonable the extra time could be classified as 'holiday'.

In some cultures specific religious occasions are very important (for example a child's first communion) and the family may want to return to their country of origin to celebrate this with family.

Consideration should be given as to whether or not the absence is authorised due to 'special circumstances' and whether there is a 'holiday' aspect.

#### **Medical treatment abroad (authorised code M, unauthorised code O)**

Some families return to their country of origin for medical or dental treatment for a number of reasons. In most cases doctors will provide a letter stating that a child has an appointment or is undergoing medical treatment. Consideration should be given to how long it would be reasonable to allow for travel and any time requested that is in excess of this could be classified as 'holiday'.

For further advice please contact the Education Welfare Service:

**South Wiltshire: 01722 743907**

## **HOLIDAYS IN TERM TIME**

### **s444A and s444B Education Act 1996**

#### **Parents Guide**

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