

Family Holidays during Term Time



St Mary's Church of England Primary School
Established 1845

Under Section 444 of the Education Act 1996, parents of a child of compulsory school age are under a legal duty to ensure the regular attendance of that child at the school where he/ she is a registered pupil. Failure to fulfil this duty may result in the local authority prosecuting the parents. If found guilty of the offence, each parent could be fined up to £2,500; and/or sentenced to three months' imprisonment. The parent may alternatively be subject to a fixed penalty fine of £60, which rises to £120 if you do not pay within 21 days. If you do not pay the fine after 28 days, you may be prosecuted for your child's absence from school.

It is not the parents' right to take their children out of school for a holiday. By law, the power for leave to be granted for an annual holiday is discretionary "If a school does not authorize a leave of absence for the purpose of a holiday but the parents still take the child out of school, or the child is kept away for longer than was agreed, the absence is unauthorized."

Absence during term time, as a result of term time holidays, interrupts continuity of teaching and learning, disrupts the educational progress of individual children and creates disruption in school. We actively discourage parents from arranging holidays during term time and will only authorise absence for such holidays in exceptional circumstances.

Parents do not have any right or entitlement to expect term time leave to be granted and all leave is granted at the discretion of the Principal. Leave for the purpose of a family holiday will only be granted in exceptional circumstances. If leave is taken without authorisation, it will be recorded in the school attendance register as unauthorised absence, that is as truancy, and the matter may be referred to the school's education welfare officer.

The Principal reserves the right to make individual judgements as to what constitutes exceptional circumstances, which might include the following:

A parent or grandparent is seriously/terminally ill, and the holiday proposed could be the last such holiday.

There has recently been a death or other significant trauma in the family, and it is felt that an immediate holiday might help the child concerned better deal with the situation.

The holiday is a unique one off never to be repeated occasion which can only take place at the time requested.

As a rule, the financial factor when a parent claims that they are unable to afford a holiday during school holidays when prices may be significantly higher than in term time, should not constitute an exceptional circumstance.

Similarly, the nature of the proposed holiday should not be taken as exceptional circumstances, although again, it is acknowledged that individual Principals may have their own view and perspectives on this and may choose to respond in the light of those.

When an application is made, we will not usually grant leave if:

A child's attendance record over the previous 20-week period is less than 95% - even if any previous absence was due to unavoidable causes such as illness.

The period of leave coincides with the start of term, or is near to or coincides with tests, SATs, other assessments, or other significant events in the school calendar.

When leave is granted, it will normally be for one holiday in any one school year (up to five days).

As Principal at St Mary's, I personally feel that there should be flexibility. Recent High Court cases have not established hard and fast rules, so it would seem that; professionalism and common sense should be the prevailing factors in the granting of holidays.

Date Implemented: February 2023

Review Date: February 2025

Approved by Chair of Governors Rev Matthew Burns

Responsibility: Governing body and Principal

Peter Kyles