



Oakfield Primary School
Holidays During Term Time Policy

2021-2022

Oakfield Primary School

Holidays During Term Time Policy

Introduction

Education is every child's right. To fail to ensure satisfactory or better attendance is a denial of a child's right to education, which is unacceptable. It is important that children attend school regularly if they are to benefit from the learning opportunities provided. When children are absent from school due to a holiday in term time, they miss out on important learning. Any absence from school will affect a child's continuity of education. They may miss crucial teaching of new concepts, skills or knowledge and therefore fall behind in their school work. It is difficult for these gaps in learning to be filled upon their return to school and the time that teachers have to help all the children in a class is reduced if they spend time helping a child to catch up after a holiday. Pupils who do not attend school regularly find it difficult to keep up with the work and have gaps in their learning. This could have a serious impact on opportunities later in life. Research proves that those children whose attendance is 95% or better at primary school achieve well at primary and later on at secondary school. Pupils who take 10 days' holiday during term time can achieve only a maximum attendance of 94.7%, even if there are no other absences through the year.

There are only 190 statutory school days in one year and 175 days (weekends and school holidays) available to use for holidays. Therefore every school day counts!

Legal Context

The Government is clear in its expectation that every child will attend school on a regular basis and its recommendation for all school pupils to achieve their potential is 95%+. The law states that it is the parent's responsibility to ensure their child attends school regularly. Under regulation 8 of the Education (Pupil Registration) Regulations 1995, it is only a **discretionary** power for leave to be granted by the headteacher for the purpose of an annual family holiday. This leave can only be authorised in **exceptional** circumstances. Guidance issued by the Department of Education 1994 clearly states: "No parents/carers can demand leave of absence for the purposes of a holiday as a right."

Requesting Leave of Absence to Take Holiday

The Governors of Oakfield Primary School expect that most family holidays will be taken during the advertised school holiday periods, except in **exceptional** circumstances.

The Governors recognise and respect that the decision as to whether to authorise holiday or not will be solely at the headteacher's discretion and the Governors will support those decisions taken.

Where a parent feels their circumstances are exceptional, they should complete a holiday request form available from the office, and return at least 6 weeks before the holiday commences. Parents are strongly advised not to book any holiday until authorisation has been completed.

What may be classed as 'exceptional' circumstances?

These situations **may** be classed as exceptional:

- Where there is a significant, unpredictable event leading to the holiday having to be taken during term time
- Where a parent is restricted to specific holiday periods by their employer
- Where a family has experienced a significant event which necessitates time away together for a period of time
- A once in a lifetime opportunity

This list is not exhaustive or exclusive. The headteacher may ask parents to provide evidence or information in order to ascertain whether circumstances are exceptional or not.

The following situations **will not** be deemed as exceptional:

- Cheaper flights or other holiday expenses
- Holiday at a time of the year 'because we've always gone in that week'
- Birthday celebrations or similar

Again, this list is not exhaustive.

How will a decision be made?

Each situation will be judged on its own merits. Parents should not assume that their holiday request will be granted simply because the request of someone they know has been granted. In deciding each situation, the headteacher will

- examine the holiday request form to determine whether the request is based on exceptional circumstances

- refer to the current and previous year's attendance – as a general rule, where either figure is below 95%, the request will be refused
- refer to the child's academic records – where there is concern about the academic progress, the holiday request will be refused
- consider whether the child is likely to miss significant school based events, such as KS2 Tests week (NB No holiday will be authorised during this week)
- consider any other significant evidence

The headteacher may also seek the advice from the Education Welfare Service.

Refusal to grant holiday leave

If holiday leave is refused, parents should not keep their child out of school. If parents do decide to continue with the holiday, the absence will be recorded as an unauthorised absence. Unauthorised absences are monitored carefully by the Education Welfare Service. Section 444(1) of the Education Act 1996 empowers the local authority to issue Penalty Notices in cases of unauthorised absence from school. This means that when a pupil has unauthorised absence of 10 sessions (5 days) or more, in a 10-week period (where no acceptable reason has been given for the absence) parents may receive a Penalty Notice. Following the implementation of DfE legislation in August 2024, there is a new national framework for Penalty Notices for school absence.

For the first offence committed, the rate of a penalty notice is £160 if paid within 28 days, reduced to £80 if paid within 21 days.

For the second offence committed, the rate of a penalty notice is now £160 with no option for the second offence to be discharged at the lower rate of £80.

There is a limit of 2 penalty notices that can be issued to a parent for the same child within a rolling 3-year period. If there is a third offence committed within this timeframe, another tool will be considered such as prosecution to answer an offence under Section 444 of the Education Act 1996: failure to ensure regular attendance. Conviction of an offence under section 444(1) may result in a fine of £1000. Under section 444(1A), convictions may result in a fine of £2,500, a community order, electronic tagging or a custodial sentence and a criminal conviction recorded.

The Penalty Notice will need to be paid in full before 28 days of the Notice being served. Failure to pay a Penalty Notice may result in prosecution as detailed above. Please note the issuing of a Penalty Notice is an alternative to issuing proceedings at court.

August 2024

Review September 2025