

Holidays in Term Time: A Guide for Primary and Secondary Schools

1. Introduction

In a recent year a total of 622561 school sessions were missed in Stockport as a result of holidays taken in term time. After illness, term time holidays were the largest single cause of absence in schools and accounted for 12% of all sessions missed in the borough.

In the past many schools have operated a system whereby pupils are allowed 10 days absence for holidays a year as a matter of course and many parents have come to believe that 10 days holiday absence a year is a legal entitlement. However, the reality is that a pupil who misses 10 days a year for holidays will achieve a maximum attendance of only 94.7 % even if no other sessions are missed for any other reasons. If 95% is regarded as a minimum level of acceptable attendance, then it is clear that the widespread taking of term time holidays will contribute directly to the numbers of pupils having less than satisfactory attendance.

Greater awareness of the links between poor attendance and reduced levels of attainment has increased the pressure on schools and local authorities to reduce levels of absence, and an important element of this has been to discourage the taking of term time holidays.

At a Local Authority level, we feel that an important factor in achieving this is the promotion of a more consistent approach across the borough. We believe that this may help reinforce the correct message to parents, reduce the likelihood of conflict between schools and parents, and ensure that schools operate in accordance with both the law and government guidance. Above all, we believe that over time this will also reduce the amount of learning lost to holidays across the borough and contribute to the raising of levels of attendance and achievement across Stockport.

2. The Legal Position

The law relating to the taking of term time holidays by pupils at maintained schools and special schools not maintained by a local authority is set out in Regulation 7 of the Education (Pupil Registration) (England) Regulations 2006.

Regulation 7(3) gives schools the power to grant leave of absence for holidays where a parent with whom the child normally resides has applied in advance and the school feels that the leave of absence should be granted due to "special circumstances" relating to the application. The regulations go on to say that save in "exceptional circumstances" a pupil shall not in pursuance of paragraph (3) be granted more than ten school days leave of absence in any school year.

So in summary, parents have no *right* to leave of absence for holidays, but parliament has given schools a *discretion* to allow holiday leave of up to 10 days in "special" circumstances, or longer in "exceptional" circumstances.

An application for permission should be made by the parent(s) with whom the child resides, although there is no restriction on who the holiday can be taken with – this is a matter for the parent, not the school.

So what is meant by “special circumstances” or “exceptional circumstances”? These terms are not explained in the Regulations, but the government has provided some guidance in this area – see below.

3. Guidance from the Department for Children, Schools and Families

The main guidance on the subject of term time holidays can be found in the publication *Keeping Pupil Registers: Guidance on applying the Education Pupil Registration Regulations May 2008*.

The guidance discusses both leave of absence generally and term time holidays in particular. When considering any application for leave of absence - whether for a holiday or any other reason – schools are advised to take into account the following issues:

- the amount of time requested;
- age of the pupil;
- the pupil’s general absence/attendance record;
- proximity of SATs and public examinations;
- length of the proposed leave;
- pupil’s ability to catch up the work;
- pupil’s educational needs;
- general welfare of the pupil;
- circumstances of the request;
- purpose of the leave;
- frequency of the activity; and
- when the request was made.

However, in relation to term time holidays additional factors apply because, as seen above, schools' discretion is further limited by the need for there to be “special circumstances”.

What are “special circumstances”?

Paragraph 61 of the guidance gives two examples:

- (a) for service personnel and other employees who are prevented from taking holidays outside term-time if the holiday will have minimal disruption to the pupils education; and
- (b) where a family needs to spend time together to support each other during or after a crisis

This is not an exhaustive list, but the key point is that these are not routine situations. It is not a case of, for example, allowing holidays wherever pupils have good attendance: there have to be particular circumstances relating to the family which justify the holiday, and which mean that it cannot take place in the school holidays.

The guidance is perhaps more explicit when it comes to what are not special circumstances – the guidance states that holidays taken for the following reasons should not be authorised:

- availability of cheap holidays;
- availability of the desired accommodation;
- poor weather experienced in school holiday periods;
- overlap with beginning or end of term.

“Exceptional circumstances” - which can justify holidays in excess of 10 days – are not defined in the guidance. But we would suggest that logically such circumstances would have to be even more unusual or extreme than “special circumstances”.

We would suggest that when considering requests for holiday leave for periods up to 10 days schools should apply a two stage test:

- (1) Has the parent demonstrated “special” circumstances? If not, the holiday should not be authorised;
- (2) If yes, are these circumstances outweighed by educational or child welfare factors relating to the particular child – such as a poor attendance record, inability to catch up with missed work, proximity of SATs or public examinations, the amount of school missed (ie the length of the proposed holiday)?

We would suggest that if this guidance is followed, term time holidays would be approved relatively rarely.