Children and Families Service

Education Welfare Service

Cheshire East Council

Reviewed September 2106

TAKING CHILDREN ON HOLIDAY DURING TERM TIME
A guide for parents and carers



Frequently asked questions

Am I entitled to take my child out of school for a family holiday?

- **No.** Parents have a legal duty to ensure that their children attend school or the alternative provision on a regular basis
- The Education Act 1996 makes it a criminal offence for a parent to *"fail to secure their child's regular attendance at the school"*
- The amendments to the 2006 Regulations remove any reference to *family holidays, extended leave and the statutory threshold of ten school days*.
- The amendements make clear that **Head Teachers may not grant any leave of absence (holiday) during term time unless there are exceptional circumstances**
- The amendments give **parents no entitlement** to take their child out of school for a holiday in term time
- The Head Teacher and Governing Body will determine what the exceptional circumstances are

If we decide to take a holiday during term time what should we do?

- The parent/carer with whom the child resides must apply in writing to the school
- The letter/application must explain the exceptional circumstance surrounding the request for the leave of absence



What will the school do then?

- The Head Teacher will determine whether the exceptional circumstance ruling applies, if not the application will be declined
    - Only the Headteacher (or the Deputy) has the power to approve leave of absence applications. When making the decision the protocols and criteria laid down in the school's attendance policy must be followed.
    - Each academic year, schools inform parents/carers via a letter, newsletter or some other communication; that they may receive a Fixed Penalty Notice if their child has unauthorised absences in term time
- You will receive a written response from the Headteacher (or the Deputy) letting you know if your application has been approved
- If the holiday goes ahead after the application has been declined the absence will be recorded as unauthorised

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What will happen if the absence is unauthorised?

- The school will decide if a Penalty Notice should be issued. If the school decide that a Penalty Notice is to be issued
- You will receive a letter from the school advising that it has referred the matter to the Local Authority and that a Penalty Notice may be issued;
- The school will inform the Local Authority that a Penalty Notice needs to be issued
- A Penalty Notice will be sent to you, accompanied by an explanatory letter; the Notice gives you the opportunity to pay a penalty fine instead of being prosecuted in the criminal courts

Penalties for unauthorised absence		
Timeline	**One child**	**Two children**
Paid within 21 days	£60 per parent	£60 per child = £120 per parent
After 21 days and before 28 days	£120 per parent	£120 per child = £240 per parent
After 28 days	You will receive a summons to appear before the Magistrates' Court on the grounds you have failed to secure your child's regular attendance	You will receive a summons to appear before the Magistrates' Court on the grounds you have failed to secure your children's regular attendance

Payments will **not** be accepted after the 28th day and payments **cannot** be paid in part or by instalments

Each school has a designated Education Welfare Officer
educationwelfareservice@cheshireeast.gov.uk or you can also telephone the main office.
Tel: 01270 375277

Website: www.cheshireeast.gov.uk/ews

Other leaflets are available to support you:

- Taking action to improve attendance – explaining legal action - a guide for parents and carers
- Helping your child to attend school. The role of the EWO - a guide for parents and carers

The expression "parent", in relation to a child or young person, includes any person who is not a parent of the child but who has parental responsibility for him/her, or who has care of the child.