



DEBATE PACK

CDP 2015/0080, 21 October 2015

Debate on an e-petition relating to term-time leave from school for holiday

Westminster Hall Debate

Monday 26 October 2015 at 4.30pm

This is an e-petition debate: an e-petition entitled, 'Make an allowance for up to 2 weeks term time leave from school for holiday' attracted over the required 100,000 signatures to be considered for a debate.

The Petitions Committee agreed to schedule a debate on the motion "That this House has considered an e-petition relating to term-time leave from school for holiday".

The debate will be led by Steve Double MP.

This debate has also been selected for an accompanying online discussion which will be run on the netmums.com forum. There will also be a free event held by the Petitions Committee prior to the debate which may be attended by petitioners and interested members of the public.

The House of Commons Library prepares a briefing in hard copy and/or online for most, but not all, non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

By Alex Adcock and
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1. E-Petition

The e-petition relating to term-time leave from school for holiday, which was started in August 2015, has reached over the 100,000 signatures required to be considered for a debate. As of 22 October 2015, the petition had nearly 119,000 signatures. The following is the text of the petition as it appears on the [Petitions website](#):

Make an allowance for up to 2 weeks term time leave from school for holiday.

Allow parents to take children out of school at a time convenient with them for up to 2 weeks per year during term time, so that the children can learn other cultures and experience this vital social experience, at the moment the current system discriminates against poorer households.

1.1 Government response

The Government will respond to any petition which gets over 10,000 signatures. The following is the response to the petition provided by the Department for Education:

“The Government wants every child to attend school regularly, and to confine absences to unavoidable causes. There is clear evidence that absence from school is linked to lower levels of attainment.

The Government acknowledges that family holidays can be enriching experiences and we are not preventing parents from taking their children on holiday. This is not about discriminating against any group; it is about all pupils of compulsory school age being in school when they are required to be and confining absence from school to unavoidable causes.

There is clear evidence that absence from school is linked to lower levels of attainment. According to attainment data for the 2012/13 academic year and absence data for that and preceding years:

- Pupils with no absence from school during Key Stage 4 were nearly three times more likely to achieve five A* to C GCSEs, including English and maths, and around 10 times more likely to achieve the English Baccalaureate, than pupils missing 15-20 per cent of school across Key Stage 4; and
- Primary school pupils with no absence during Key Stage 2 were around 1.5 times more likely to achieve the expected level (level 4 or above); and more than 4.5 times more likely to achieve above the expected level (level 5 or above) at the end of Key Stage 2, than pupils that missed 15-20 per cent of sessions in Key Stage 2.
- Missing even a short amount of time from school can reduce a pupil’s chances of succeeding at school by as much as a quarter.
- 44 per cent of pupils with no absence in key stage 4 achieve the English Baccalaureate - the gold standard package of GCSE qualifications that includes English, maths, science, history or geography and a language. But this figure falls by a quarter to just 31.7 per cent for pupils who miss up to just 14 days of lessons

over the 2 years that pupils study for their GCSEs, which equates to around 1 week per year.

- A similar pattern is also seen at primary school level, where pupils missing up to just 31 days of school in key stage 2 (i.e. around 1 week per year) are a quarter less likely to achieve level 5 or above in reading and maths tests than those with no absence across the key stage.

The law places a duty on parents of every school-registered child of compulsory school age to ensure their regular attendance at school. The school year is designed to give families various opportunities to enjoy holidays without having to disrupt children's education. Parents should plan their holidays around school breaks and avoid seeking permission from schools to take their children out of school during term time unless it is absolutely unavoidable.

Head teachers have the power to authorise leave of absence, but only in exceptional circumstances. The government has not specified what constitutes exceptional circumstances. It is for schools to consider the specific details and relevant context behind each request. Schools know their pupils best and are well placed to make those judgements.

We clarified the law in 2013 to address the widespread misconception that parents were entitled to take their children on holiday during term-time. No such entitlement existed in law previously, and the change in law has made this clearer.

The government is confident that the law strikes the right balance between the needs of individual families to take children out of school in exceptional circumstances and the need to provide the best possible education for all pupils.

1.2 Online Debate

An online discussion is being run in advance of this debate. The discussion is being managed by the online parenting organisation netmums.com.

You are able to view the discussion and views of the participants, and get involved with the debate, through the [netmums forum](http://netmums.com).

Comments made on the netmums.com forum can be referenced within the Westminster Hall debate as the 'netmums discussion thread'.

1.3 Committee Event

The Petitions Committee will be holding a small event in the House of Commons prior to the debate which may be attended by petitioners and members of the public who are interested in this issue.

Members of the Committee will be present to explain the debate and answer questions on the petition. For more information see the [Petitions Committee website](#).

1.4 E-petition regarding holiday pricing

A related petition started under the previous Government related to the amount holiday companies charge during school holidays. This is the text of the original petition as it appeared on the [Petitions website](#):

Stop Holiday companies charging extra in school holidays

Family time is so much more essential in the current working world, but so many people cannot afford holidays in school holidays. A break at home is not the same as getting away from it all where there isn't any house work or DIY to get done, instead focus is on family. Its time to stop the holiday companies cashing in on school holidays and let parents have some guilt free family time! Enforce action that caps the percentage increase on holiday prices in school holidays.

This petition received the following response from the Government:

Responsibility for this policy area sits with the Department for Business, Innovation and Skills.

In a competitive market it is for business to decide the market worth of their products and to price accordingly. In the holiday market there is fierce competition for custom. Prices rises in peak periods are a reflection of the international competition holiday companies face for hotel accommodation and other services in destinations which are popular with consumers from many other countries and where there are limits to capacity. These consumers also wish to holiday during these peak periods. We are advised also that holiday companies must seek to make a reasonable profit during the peak periods so that they are able to operate throughout the year when demand and therefore prices and profits are lower.

This e-petition has reached 100,000 signatures. The Government has notified the Backbench Business Committee in the House of Commons. This e-petition will remain live, and people will be able to continue adding their signatures.

Debate

The Backbench Business debate took place on 24 February 2014, the full transcript of which may be viewed on Hansard:

[Holiday Pricing](#) [HC Deb 576 cc1-38WH]

2. Term-time leave from school for holiday: the rules in England

Parents cannot authorise absence; only schools can do this. Head teachers have discretion to grant leave during school term-time, but this is not an automatic entitlement. The law governing such leave of absences was tightened up from September 2013.

The [Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#) amended the [Education \(Pupil Registration\) \(England\) Regulations 2006](#), which previously allowed head teachers to grant leave of absence for the purpose of a family holiday during term time in “special circumstances” of up to ten school days leave per year.

Under the new regulations, **head teachers may not grant leave of absence during term time unless there are exceptional circumstances.**

The Department for Education advice on [School attendance](#) states:

Can a parent take their child on holiday during term time?

Head teachers should only authorise leave of absence in exceptional circumstances. If a head teacher grants a leave request, it will be for the head teacher to determine the length of time that the child can be away from school. Leave is unlikely, however, to be granted for the purposes of a family holiday as a norm.¹

Fines for unauthorised absences

The imposition of penalty notices (fines) for unauthorised absence from school is not new. However, the rules on enforcing fines were also tightened up from September 2013. Since then, the amount of time a parent has to pay a fine was reduced to allow swifter enforcement of unpaid notices. Parents now have to pay £60 within 21 days; and this will rise to £120 if paid within 22 to 28 days of the notice being issued.² If the fine is not paid after 28 days the parent can be prosecuted.

Penalty notices can only be issued by a head teacher or someone authorised by them (a deputy or assistant head authorised by the head teacher), a local authority officer or the police. Penalty notices can be issued to each parent liable for the attendance offence or offences.

¹ Department for Education, [School attendance: Departmental advice for maintained schools, academies, independent schools and local authorities](#), October 2014, p16

² [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#), SI 2013 No 757, see also the DFE [Explanatory Memorandum](#) on the 2013 regulations.

3. Press articles

The following is a small selection of recent press and media articles relevant to this debate. Please note: the Library is not responsible for the views expressed, nor the accuracy of, external content.

BBC news, 21 October 2015

[School term-time holiday fines 'unworkable', says LGA](#)

Guardian, 21 October 2015

[Schools should to be able to approve family holidays in term-time, says LGA](#)

Independent, 17 October 2015

[Father's legal win boosts hopes for parents who want to take their children on holiday during term time](#)

BBC news, 16 October 2015

[Term-time holidays: Isle of Wight parent's legal case thrown out](#)

Guardian, 12 August 2015

[More parents in England prosecuted for taking children out of school](#)

Independent, 6 July 2015

[Headteacher warns pupils could be expelled if they go on holiday in term time](#)

4. Press releases

Local Government Association

Common sense approach to holidays is needed, 21 October 2015

A reasonable, common sense approach to term time holidays should be allowed, council leaders said today.

With the October half term set to start next week (Monday, 26th October), the Local Government Association (LGA), which represents 370 councils across the country, is calling for; head-teachers to be allowed to give reasonable consideration to term-time leave requests and for a change in the rules from the Department for Education (DfE).

Since September 2013 the DfE and Ofsted have insisted school heads take a much harder line on term-time leave requests including the removal of term-time leave allowances in most instances. Previously head teachers were able to grant 10 days leave in "exceptional circumstances", in effect meaning that many schools could allow up to two weeks of term-time holidays a year, however Department for Education and Ofsted have imposed stricter guidelines on what can be classed as an exceptional circumstance now this no longer includes holidays.

If an absence is not authorised, parents that take their child out of school during term time are reported to their local authorities who are obliged by Government to fine a parent £60 per child (which rises to £120 if it is not paid within 21 days). In extreme circumstances, those that fail to pay could face prosecution with a maximum fine of £2,500 or a jail sentence of up to three months.

However, recent developments mean this could become much harder to enforce, with parents successfully challenging fines in the courts claiming, amongst other things, it is an infringement of their civil liberties under the Human Rights Act to decide what is in the best interests of their family.

Families seeking to go away during school holidays can also find they are hit with costs that are sometimes double that of travelling during term-time, and there is a suspicion that some travel companies may raise prices to exploit these holiday periods.

For instance, a family of four heading to the Canary Islands this half term would pay around £2000 more than if taking the same holiday the week before or week after half term, rising from £2484 before half term, to £4800 during and dropping to £2523 after. Booking flights was a similar story, LGA research has found. A family of four flying to Cyprus (Larnaca) would pay up to £1500 more for flights during half term week at £2577, than they would if flying just one week before (£1426) or one week after (£970).

The issue is not solely one of economics. In particular, those parents that are employed in the armed forces, emergency services or who work unconventional hours don't always have the option to take a family

holiday during the normal school holiday period and therefore will run the risk of being penalised, somewhat unfairly.

Cllr Roy Perry, Chairman of the Local Government Association's Children and Young People Board, said:

"Children's education is treated with the upmost seriousness, but it is clear that the current system does not always favour families, especially those that are struggling to meet the demands of modern life or have unconventional work commitments.

"There has to be a sensible solution whereby every family has the option to spend time together when they choose to, without fear of prosecution from education authorities.

"The current rules tie families to set holiday periods. They make no allowances for what a family would class as a special occasion or takes into account a parent's work life.

"Families where parents work unsocial shift patterns, in the emergency services or whose jobs are tied to calendar commitments, can find that they are unable to take family holidays during school holiday periods. As such these families, some of whom have parents that provide a valuable service to society, are unjustly penalised or find they are unable to have a holiday at all for fear of prosecution.

"It shouldn't be that a tragedy has to befall a family for a child to get leave during term-time. There are many more joyous and positive occasions in life when consideration should be given to granting leave requests, such as a wedding or perhaps a sporting event involving a family member. These can be a positive influence on young people. And there are just times when a family should be able to come together to celebrate without worrying about prosecution or being fined."

"Blanket bans do not work and fines are now being successfully challenged in the courts under human rights laws. It is time for this situation to be reassessed to ensure we are not wasting time and money by enforcing, what is considered by many, to be a punitive and unfair system. Also, as the high court decisions have shown recently, it's a system that is not always enforceable.

"Giving families time to be on holiday together can have social and emotional benefits which are of lasting value and support to children. It should not be something for which they are unduly punished.

"While councils fully support the Department for Education's stance on every child being in school every day, there are occasions when parental requests should be given individual consideration and a common sense approach applied."

National Association of Head Teachers

NAHT issues new guidance on authorised absence from school, 27 October 2014

As NAHT publishes new guidance on authorised absences, Russell Hobby, NAHT general secretary said: "We surveyed our members and 90 per cent of them said they would welcome more detailed guidance on what constitutes exceptional circumstances for granting absence during term time.

"Head teachers already have discretion over the granting of absence during term time. They rightly prioritise learning over holidays. Head teachers are able to - and do - authorise absence in exceptional circumstances.

"The fundamental principles for defining 'exceptional' are where requests are rare, significant, unavoidable and short. NAHT believes that these new guidelines support existing government policy on school absence. They will give head teachers and parents a consistent and reasonable definition of 'exceptional'. This will help with making individual decisions about granting authorised absence in term time."

Download the guidance below:

[Guidance on authorised absence in schools - October2014 \[pdf / 125KB\]](#)

Department for Education

FOI release, 8 January 2014

Holidays during term time

1. Request

How many children are missing in term time and what action has been taken?

2. Release

The department has provided information based on state maintained schools as follows:

During the school year 2011 to 2012 there were 1,153,770 pupil enrolments with at least 1 session of absence due to family holiday.

- 831,320 pupil enrolments with agreed absence
- 371,660 pupil enrolments with absence that had not been agreed

This is compared to 1,194,955 pupil enrolments with at least 1 session of absence due to family holiday in the school year 2010 to 2011.

- 895,495 pupil enrolments with agreed absence
- 348,045 pupil enrolments with absence that had not been agreed

It is a government priority to improve school attendance and ensure schools tackle all forms of absences. The government takes attendance very seriously because there is clear evidence that any absence from school can and does impact on children's attainment. The second most common reason for absence from school is family holiday, and we agree that this needs to be addressed.

In April 2012, Charlie Taylor, the then government's adviser on behaviour, in his report to improve attendance at schools recommended that the government change the rules around term time holidays in order to address the misconception of some parents that they are entitled to 2 weeks annual holiday during term time. You can view the ['Improving school attendance'](#) report on the Department for Education website.

We have amended the Education (Pupil Registration) (England) Regulations 2006 to remove references to family holiday and to make clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. This amendment will come into effect on 1 September 2013.

Where a pupil's absence is unauthorised, such as where a child is taken on holiday during term time without the school's permission, currently the Education (Penalty Notices) (England) Regulations 2007 set out that each parent can be fined £60 if it is paid within 28 days, rising to £120 if paid between 29 to 42 days.

Amendments to the 2007 regulations reduce the timescales for paying a penalty notice. From 1 September 2013, parents must pay £60 within 21 days or £120 within 28 days. Full payment discharges the parent from any prosecution.

Information about the [amendments to the pupil registration regulations and penalty notices regulations can be found on the Department for Education website](#).

5. Parliamentary questions and debate

[Pupils: Holidays](#)

Asked by: Shannon, Jim

To ask the Secretary of State for Education, what steps she is taking to ensure that pupils are not taken out of schools for holidays in term time.

Answering member: Nick Gibb

We want schools to reduce their overall absence rates because evidence shows there is a link between regular school attendance and high levels of academic attainment [1]. In September 2013 we changed the law so that schools in England can only grant leave of absence in exceptional circumstances. The most recent figures show that almost 2.4 million fewer school days were missed because of term-time family holidays in the 2013/14 academic year, compared to the 2012/13 academic year.

[1] <http://tinyurl.com/nazrpd2>

17 Jun 2015 | Written questions | Answered | House of Commons | 1680

[Armed Forces: Family Life](#)

Asked by: Baroness Benjamin

I thank my noble friend for that Answer. The charity Give Us Time is working hard to help service men and women reconnect and engage with their families after a tour of duty. Yet they are coming up against hurdles and inequalities; for example, leave time does not always coincide with school holidays and a soldier was fined £500 for taking his children on holiday during the school term. I ask my noble friend: given the difficulties of tour cycles and not always being able to give advance notice, will the Government encourage schools to show leniency towards military families by allowing their children short periods of absence from school during term time, and perhaps even amending the law to include these cases as exceptional circumstances?

Answered by: Baroness Jolly

My Lords, head teachers already have the discretion to grant absence from school in exceptional circumstances and, in this instance, they have been given NAHT guidance. The MoD has been in discussion with the Department for Education in England on leave of absence from school, including on the operational needs of the Armed Forces preventing families taking leave during school holidays and relating to before, during and after deployment. Similar guidance is well established within the devolved Administrations.

19 Jan 2015 | Oral questions - 1st Supplementary | Answered | House of Lords | House of Lords chamber | 758 c1073

Pupil Absences

Asked by: Mr Marcus Jones

What progress she has made on reducing pupil absence from schools.

Answering member: The Minister of State, Department for Education (Mr Nick Gibb)

In the autumn and spring of 2009-10, 45.8 million days of school were missed by pupils. By 2013-14, that figure had decreased to 35.7 million, the lowest number since comparable records began. The number of pupils who were persistently absent has also decreased, from 439,000 in 2009-10 to 262,000—again, a record low level. Time off for holidays has also dropped, by about 1.4 million school days, compared with the same period in 2009-10.

01 Dec 2014 | Oral answers to questions | House of Commons | House of Commons chamber | 589 c1

Tourism: Coastal Areas

Asked by: Green, Kate |

To ask the Secretary of State for Culture, Media and Sport, what assessment his Department has made of the potential effect of deregulating school holidays on (a) tourism jobs in seaside areas and (b) seaside economies.

Answering member: Mrs Helen Grant

There has been no specific assessment of the impact the Government's proposals in the Deregulation Bill will have on tourism jobs. However, impact assessments have been completed on the overall impact of proposals within the Bill. Government is confident that tourism jobs and seaside economies will not be adversely affected overall. Whilst the measures will extend an existing flexibility to a greater number of schools, this does not mean that all schools will change their term dates. This Government believes that decisions about term dates are best made locally. The Department for Education is working with the British Association of Leisure Parks, Piers and Attractions and others to ensure the Department's advice to schools on their new freedoms is clear that term dates should be set in the interests of pupils' education and should also consider parents and local businesses.

29 Oct 2014 | Written questions | Answered | House of Commons | 211409

Academic Year

Asked by: Andrew Rosindell

To ask the Secretary of State for Education what assessment he has made of the economic effects of deregulating school holidays on (a) tourism jobs in seaside areas and (b) seaside economies.

Answering member: Matthew Hancock

The Government is giving more schools greater flexibility to adapt the shape of the school year in the interests of their pupils' education.

While this will extend an existing flexibility to a greater number of schools, our advice will continue to include a clear expectation of schools working with each other and the local authority to coordinate dates to avoid unnecessary disruption to parents and their employers.

The Department has consulted with representatives of the tourist industry. Where schools choose to change their holiday dates, following discussion locally with parents and local businesses, there may well be a positive impact on seaside economies. In areas of high-seasonal employment, for example, small variations to term dates agreed locally may help parents to holiday outside of peak periods.

30 Jun 2014 | Written questions | Answered | House of Commons | 201861 | 583 c347W

Pupils: Holidays

Asked by: Lord Temple-Morris

To ask Her Majesty's Government how many parents have been imprisoned for non-payment of fines in respect of taking their school-age children on holiday during term time.[HL169]

Answering member: The Parliamentary Under-Secretary of State for Schools (Lord Nash)

Parents who have been issued a penalty notice (fine) for failing to secure their child's regular attendance at school cannot be imprisoned for not paying the fine. However, if a parent knowingly and deliberately takes their child on holiday during term time (without a leave of absence granted by the school) they could face a term of imprisonment for doing so if they are prosecuted under the substantive offence set out in section 444(1A) of the Education Act 1996 (the Act). It will be a matter for the prosecuting authority (the Local Authority) to decide on the particular facts and circumstances of the case whether to bring formal proceedings and under what offence.

23 Jun 2014 | Written questions | Answered | House of Lords | HL169 | 754 c131WA

Absenteeism in Schools

Asked by: Sheryll Murray |

I have been approached by many parents in my constituency who work in the tourism industry and simply cannot afford to take holidays during the busiest time, school holidays. What can be done to help these small business owners take holidays with their families without fearing punishment or hurting their children's education?

Answered by: Mr Laws

I know that this is a real issue in constituencies such as that of my hon. Friend. Indeed, last year about a third of all children in Cornwall's primary schools missed school for a term-time holiday, a figure higher than the national figure for primary schools, which is about 20%. That is clearly not acceptable. I would say two things to my hon. Friend. First, head teachers retain the discretion to grant leave in exceptional circumstances. Secondly, and more significantly as regards the cases she raises, we are deregulating so that all schools control their own term dates from 2015. That might give schools in her area greater flexibility to make a judgment about when to have their holidays and about what the right time might be for them.

16 Jun 2014 | 582 c834

Academic Year

Asked by: Mr Marsden

To ask the Secretary of State for Culture, Media and Sport (1) what assessment his Department has made of the economic effects of deregulating school holidays on (a) tourism-related jobs in seaside and coastal areas and (b) seaside economies in general;

Answering member: Mr Vaizey

At present, local authorities set term and holiday dates for about 30% of secondary schools and 70% of primary schools (around half of all registered pupils). The Deregulation Bill gives more schools the flexibility to make changes should they wish to, although the experience of the academies programme and voluntary aided (church) schools, suggests that only a small percentage of schools are likely to vary their term dates.

The Department for Education has produced an assessment of the impact of the changes. While there will be greater flexibility, we expect that sensible conversations between the local authority and schools on co-ordination will take place. Variations to term dates could also help businesses and employers, for example, in areas of high-seasonal employment where employees may welcome the chance to holiday outside of peak tourist periods. For example, Bishop Bronescombe school in St Austell has a two-week half term in May/June to accommodate parents' seasonal employment patterns.

A separate assessment of the specific impact on tourism-related jobs in seaside towns or seaside economies has not been carried out.

10 Jun 2014 | 199378 | 582 c66W

[Holidays in Term Time](#)

Asked by: Mr Andrew Turner (Isle of Wight)

What guidance his Department has issued to headteachers on what constitutes the exceptional circumstances in which children may be granted leave of absence for holidays during school term time.

Answered by: The Secretary of State for Education (Michael Gove)

My Department has not issued any specific guidance on this matter.

24 Mar 2014 | 903197 | 578 cc4-5

[Holiday Pricing](#)

That this House has considered the e-petition relating to holiday companies charging extra in school holidays.

HC Deb | 576 cc1-38WH

6. Further reading

GOV.UK

[School attendance and absence](#)

Holidays in term time

You have to get permission from the head teacher if you want to take your child out of school during term time.

You can only do this if:

- you make an application to the head teacher in advance (as a parent the child normally lives with)
- there are exceptional circumstances

It's up to the head teacher how many days your child can be away from school if leave is granted.

You can be [fined](#) for taking your child on holiday during term time without the school's permission.

Citizens Advice

[Problems at school](#)

Holidays during term time

If you want to take your child out of school during term time you must apply in advance to the head teacher. The head teacher can only give permission for leave of absence during term time where there are exceptional circumstances, such as a family wedding or funeral. Head teachers are not expected to treat a holiday as an exceptional circumstance. If leave is given, the head teacher will decide the number of school days the child can be away. This applies to schools maintained by a local authority and special schools.

If you take your child out of school without the head teacher's permission, you could be fined. Failure to pay the fine within 28 days could result in prosecution.

If a child has been continuously absent from school for more than 20 days, and the absence isn't authorised, they can also be removed from the admissions register. This can happen as long as the child isn't ill and the head teacher and local authority have failed to work out where the child is.

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