



Llywodraeth Cymru  
Welsh Government

## **Frequently asked questions: holidays in term time in Wales**

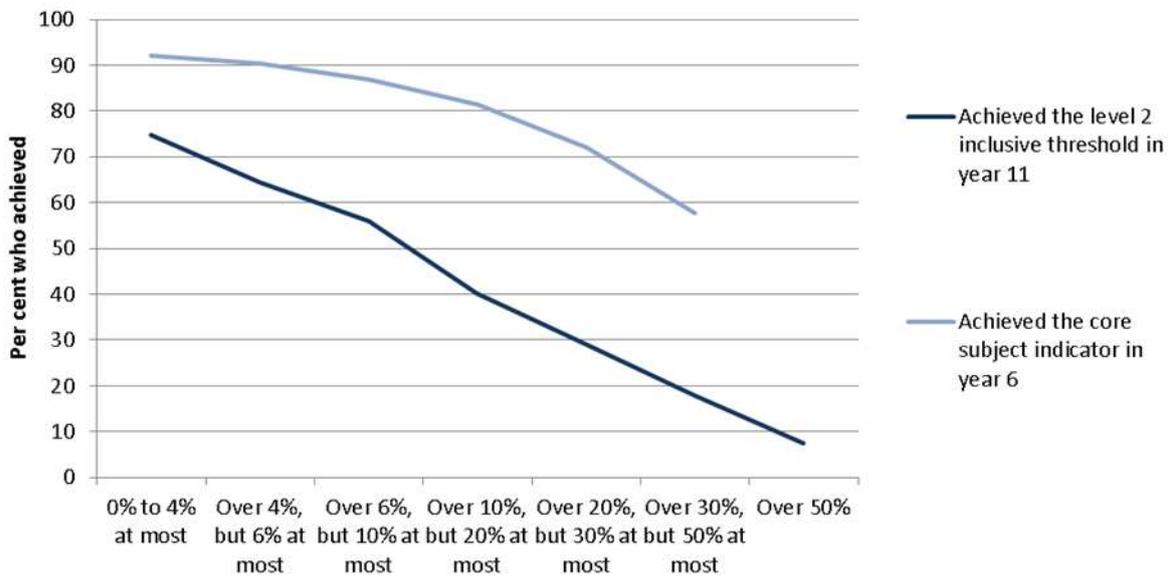
### **Information to parents and carers who are considering booking a holiday during term time**

There are many experiences outside school that children can learn from that will enrich their lives. However, learners are only in school for a limited amount of time and we must ensure that we can make the most of this time for your child. If you do decide that you must book a holiday during term-time, please take into consideration that if your child misses school he/she can fall behind with school work and do less well in exams.

Research suggests that there is a link between a child's regular attendance at school and how well they perform in exams. The graph on the following page shows that in general, pupils with higher rates of absence are less likely to achieve five A\*-C grades (including English or Welsh) at GCSE.

The light blue line shows how many children were achieving the expected level in both Maths and Science, and either English or Welsh first language (Core Subject Indicator), at Year 6. The dark blue line shows how many pupils aged 15 got five A\*-C GCSEs including English or Welsh (Level 2 Inclusive). In both cases, the chart suggests that in general, pupils with higher absence rates achieve lower results.

**Table 1 – Achievement of learners in Years 6 and 11, by overall absence rate, 2016**



**1: What is the Supreme Court case Isle of Wight V Platt about?**

A: The case taken by the Isle of Wight Council to the Supreme Court relates to school fines for unauthorised absence.

Section 444(1) of the Education Act 1996 provides that if a child of compulsory school age fails to attend school regularly, the parents may be guilty of an offence and is liable to a fine. The case sought clarity on what constitutes *regular attendance* at school.

If a parent knows that their child is failing to attend regularly at the school and fails to make them to do so, they are guilty of a more serious offence and are liable to a higher fine or a term of imprisonment.

The Isle of Wight Council believed Mr Platt had committed an offence under section 444(1) of the Education Act 1996. It issued a penalty notice which Mr Platt refused to pay. Consequently the local authority prosecuted Mr Platt under section 444(1) of the Education Act 1996.

A penalty notice is issued by the local authority and is a notice offering a person the opportunity of discharging any liability to conviction for the offence under section 444(1) to which the notice relates by payment of a penalty in accordance with the notice. Payment of the fine would have meant there would not have been a criminal prosecution.

## **2: Does the Supreme Court's ruling of the case apply in Wales?**

A: Yes. Section 444 of the Education Act 1996 applies to England and Wales. Therefore the ruling of the Supreme Court also applies to England and Wales.

## **3: What is the outcome of the case and how does this affect Wales?**

A: The case sought clarity from the Court about what constitutes a pupil's *regular attendance* at school. The ruling confirms that '*regular attendance*' at school means attendance in accordance with the rules prescribed by the school. This means that a governing body, rather than a child's parent, must decide what constitutes '*regular attendance*' at school.

## **4: What does this mean in practical terms for Wales?**

A: It means that a parent still needs the permission of the headteacher to remove their child from school for a family holiday. If the headteacher does not give permission for the leave of absence, the absence is treated as an 'unauthorised absence'. As such a parent can be issued with a fixed penalty notice (fine) for not ensuring their child attends school regularly.

## **5: Does this mean that I cannot take my child on holiday in term time?**

A: No, the ruling of the Supreme Court provides clarity under Section 444 of the Education Act about what constitutes *regular attendance* at school. It does not change the position in Wales where secondary legislation - the Education (Pupil Registration) (Wales) Regulations 2010 (*the 2010 Regulations*) - already set out the arrangements relating to holidays in term time.

## **6: Does the school have the authority to allow term time absence for holidays?**

A: Yes. The ruling reached by the Supreme Court has no impact on the existing arrangements in Wales. Parents should not take their children out of school for a holiday without first obtaining the permission of the headteacher *in advance*. Under the 2010 Regulations, schools have a discretionary power to authorise up to 10 days absence during a school year for family holidays during term time if it is considered necessary.

## **7: Why is this decision made by the school?**

A: Headteachers have access to all the necessary information to make an informed decision. A headteacher is able to consider individual circumstances on a case-by-case basis. A number of things will be taken into account before reaching a decision, including the time of year, length of the holiday, the reason for the holiday, impact on learning, timing of exams or tests, family circumstances and the wishes of parents, as well as the overall attendance and attainment of the child.

**8: What happens if the headteacher refuses to give permission?**

A: If a headteacher refuses a request for absence to holiday in term time and the parent takes the child on holiday anyway, it would be marked as an '*unauthorised absence*'. Only schools, not parents, can authorise absence. An unauthorised absence could potentially lead to a penalty notice being issued to a parent in Wales under the Education (Penalty Notices) (Wales) Regulations 2013 if the local authority consider that the parent has failed to secure regular attendance of their child (attendance in accordance with the school rules).

**9: Who is responsible for issuing fixed penalty notices?**

A: Local authorities issue fixed penalty notices on behalf of a school – based on available evidence and in accordance with the local authority's Code of Conduct.

**10: If the absence is unauthorised, will I be automatically issued a penalty notice?**

A: The decision on whether to issue a fine rests with the local authority, often in consultation with the school. Every local authority in Wales has a Code of Conduct which sets out its own arrangements for issuing fixed penalty notices.

The Supreme Court ruling outlined that attending school "*regularly*" means "*in accordance with the rules prescribed by the school*". This means that any unauthorised absence is considered as not attending school regularly. Penalty notices are issued for failing to regularly attend school: in other words, regular unauthorised absence.

The Welsh Government fully supports the view that pupils need to be in school on every occasion they are required to be to reach their full potential. Each local authority will have details on issuing penalty notices in their area and as set out in their Code of Conduct. For further information about what the policy governing fixed penalty notices is in your area please contact your school or local authority.