



## BRIEFING PAPER

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# Holidays during school term-time (England)

By Robert Long and Paul Bolton

## 1. Supreme Court judgment

On 6 April 2017, the [Supreme Court unanimously ruled against Jon Platt](#),<sup>1</sup> a father who refused to pay a fine for taking his daughter out of school for a holiday during term-time. The judgment strengthens the controversial penalty notice system in England, under which parents may be fined for taking their child out of school without authorisation.

Critics of the system highlight the high cost of holidays outside term-time, and the impact on tourism in the UK. The Government has maintained that ensuring school attendance is key to raising children's attainment.

## 2. *Isle of Wight v. Platt* and 'regular' school attendance

On 13 May 2016, the [High Court ruled in favour of Jon Platt](#),<sup>2</sup> a father from the Isle of Wight who had refused to pay a £120 fine for taking his daughter on holiday during term time. Mr Platt took his daughter to Disney World in April 2015, causing her to miss seven days of lessons, despite her school having refused permission for her absence.

Parents are responsible for ensuring their children receive an education. Under [section 444 of the Education Act 1996](#), parents are guilty of an offence if their child "fails to attend regularly" at the school where they are registered. The Act does not define 'regularly'. Mr Platt argued that the holiday did not break this rule as his daughter had a good school attendance record for the rest of the year.

Following an initial ruling by magistrates in Mr Platt's favour, the Isle of Wight Council appealed the case to the High Court.

The Department for Education provided support to the Isle of Wight Council in their subsequent appeal to the Supreme Court against the High Court judgment. The appeal was heard in January 2017.

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<sup>1</sup> [2017] UKSC 28

<sup>2</sup> See BBC News, [Term-time holiday father wins at High Court](#), 13 May 2016

The Supreme Court ruling in April 2017 centred on the Court's view that the word 'regularly' means 'in accordance with the rules prescribed by the school'. Contrary definitions were rejected as inappropriate or too vague for purpose.

### 3. Fines for school absence

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.

Penalty notices – fines – for school absence 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.

The penalty for an unauthorised absence from school is £60, rising to £120 if it is not paid within 28 days.

Fines are pursued as an alternative to prosecution. If a parent refuses to pay, they can be prosecuted.

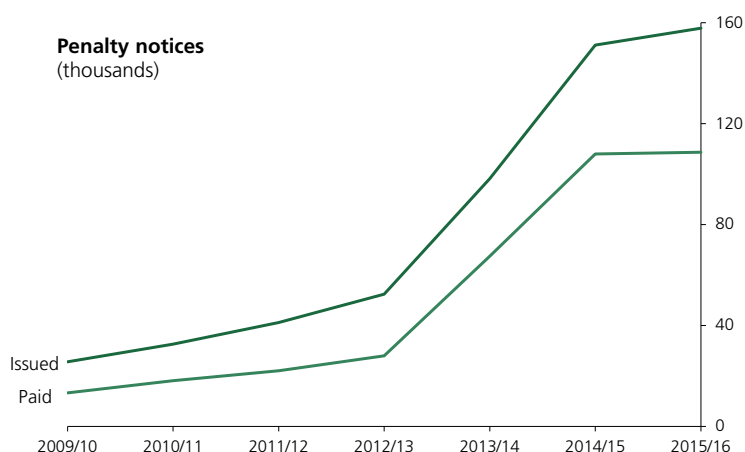
#### 3.1 Tightening the rules

Fines for school absence are not new. In 2013, the Coalition Government tightened the existing rules to remove references to family holidays and extended leave, as well as removing a statutory threshold of ten school days. Previously, head teachers could grant a leave of absence for the purpose of a family holiday during term time in 'special circumstances' of up to ten school days per year.

Since the changes, head teachers may not grant a leave of absence during term-time unless there are exceptional circumstances.

#### 3.2 Penalty notices issued and prosecutions

The chart opposite shows trends in the number of penalty notices issued for unauthorised absence alongside the number paid. This and data on prosecutions and other outcomes are also given in the table below. There was a very clear jump in notices issued when the new policy was introduced in 2013/14; from just over 50,000 to almost 100,000. The increase in the following year was a similar size and took the total to more than 150,000. The number paid within 28 days has followed a very similar trend.



Prosecutions more than doubled from 7,800 in 2012/13 to 15,800 in 2015/16. The number of parenting orders made by the courts following unauthorised absence prosecution has fallen, as has the number of parenting contracts offered.

**Penalty notices for unauthorised absence, England**

	2011/12	2012/13	2013/14	2014/15	2015/16
Number issued	41,224	52,370	98,259	151,125	157,879
Paid with 28 days	22,043	27,977	67,475	108,024	108,674
Withdrawn	6,531	8,317	13,708	17,112	22,394
Prosecutions following non-payment	6,361	7,806	10,498	15,283	15,828
Parenting orders made by the courts following prosecution	335	282	255	185	192
Parenting contracts offered during the period	20,019	18,958	18,828	19,885	18,319

Source: [Parental responsibility measures: 2015 to 2016 academic year](#)

## 4. Are any absences for family holidays allowed?

‘Exceptional circumstances’ are not defined in [guidance from the Department for Education](#), although it’s made clear that family holidays are “unlikely” to be considered as exceptional.<sup>3</sup>

[Guidance for its members from the National Association of Head Teachers](#) (NAHT) states that absences should be authorised if they’re “rare, significant, unavoidable and short,” and couldn’t reasonably be scheduled outside of term-time. Family holidays are, as a consequence, “not considered an exceptional circumstance.”<sup>4</sup>

### 4.1 Absence due to family holidays

The total number of pupils who missed one or more half days due to family holidays, (authorised or unauthorised) in England fell from 1.55 million in 2012/13 to 0.98 million in 2013/14 when the new policy was introduced. It was 1.03 million in 2015/16 or around 15% of pupils. Within this total the authorised/unauthorised mix changed dramatically when the new policy was introduced. In 2012/13 63% of pupils who missed school due to a family holiday had this absence authorised. This rate fell to 33% in 2013/14 and has since fallen to 22% in 2015/16.<sup>5</sup>

## 5. Concerns

The increased restrictions on term-time holidays have proved controversial. A [petition](#) arguing for the introduction of an allowance for up to two weeks’ term-time leave from school for holidays was submitted to Parliament in summer 2015, and received over 120,000 signatures. The petition raised the potential educational value of holidays, as well as the impact on poorer parents of increased prices outside of term-time. A May 2016 [petition](#) on the same subject received over 200,000 signatures.

<sup>3</sup> Department for Education, [School attendance: Guidance for maintained schools, academies, independent schools and local authorities](#), November 2016

<sup>4</sup> National Association of Head Teachers, [Guidance on authorised absence in schools](#), October 2014

<sup>5</sup> [Pupil absence in schools in England: 2015 to 2016](#), DfE

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The earlier petition received a Parliamentary [debate](#), which took place in Westminster Hall on 26 October 2015. The Schools Minister, Nick Gibb, stated that the Government did not intend to relax the rules:

When evidence attests to the benefits of good school attendance so clearly, parents have a duty to ensure that their children attend school regularly. No one in the Department for Education says that holidays are not enriching experiences—of course they are—but schools are in session for 190 out of 365 days a year, leaving 175 days in a year in which parents can take their children away on holiday. [...]

In his 2012 report “[Improving attendance at school](#)”,<sup>6</sup> Charlie Taylor [the Government’s expert adviser on behaviour] calculated that if children are taken away for a two-week holiday during term time every year and have an average number of days off for sickness and appointments, by the time they leave school at 16 they will have missed a year of school. It is for that reason that I cannot support the request set out in the petition.<sup>7</sup>

Russell Hobby, General Secretary of the NAHT, [has stated](#) that the system of fines is “too blunt an instrument” for its intended purpose.<sup>8</sup>

Concerns have also been raised about the impact on tourism, such as by Steve Double, the MP for St Austell and Newquay, reflecting concerns about the [impact on the tourism industry in Cornwall](#).<sup>9</sup>

## 6. The impact of absence: 2016 report

In March 2016, the Department for Education published statistics on [Absence and attainment at key stages 2 and 4: 2013 to 2014](#), which included the Department’s conclusion that all absence had an adverse impact on attainment:

The analysis of the link between overall absence (and individual reasons for absence) and attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome. Extending this to look at individual reasons for absence did not add a greater understanding of the link between absence and attainment.<sup>10</sup>

This impact, and whether the impact of missing days of school can be measured in this way, has however been [questioned](#).<sup>11</sup>

## 7. What happens now?

The Isle of Wight Council’s appeal’s success in the Supreme Court means that any potential relaxation of the rules on term-time holidays is unlikely to take place. Parents who are fined and refuse to pay will not be able to rely on their child’s general attendance record in defence, should the local authority decide to prosecute. Mr Platt’s case is being returned to the magistrate’s court.

The decision to authorise absence from school remains with head teachers.

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<sup>6</sup> Department for Education, [Improving attendance at school](#), April 2012

<sup>7</sup> [HC Deb 26 Oct 2015 c27WH](#)

<sup>8</sup> BBC News, [Term-time holidays: Where most children were absent](#), 6 April 2017

<sup>9</sup> Debated during [HC Deb 26 Oct 2015 c1-32WH](#)

<sup>10</sup> Department for Education, [Absence and attainment at key stages 2 and 4, 2013 to 2014](#), March 2016, p4

<sup>11</sup> TES, [Exclusive: Term-time holidays 'do not harm primary test scores'](#), 28 October 2016