

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

Changes to the law on term time holidays explained

By [Liat Hughes Joshi](#) Feb 26, 2014

There's a fight going on over [term time holidays](#) and it's playing out in the media, in head teachers' offices across the land and even in parliament. In one corner, we have the education 'powers-that-be', eager to reduce disruptive and non-essential absence from our schools. Squaring up to them, we've got parents struggling to afford [holidays](#) given the considerable price involved in peak time travel.

But despite all the newspaper coverage and guidance from schools themselves, the rules and regulations about absence are not always clear.

Here's our definitive guide to what's allowed, what's not and what happens if you swap the school gate for that sandy Spanish beach anyway.

We're keen to go on a family summer holiday but can't afford August prices or those at May or October half terms. Can we take our children out of school without getting into trouble?

In the past you might well have been 'allowed' up to 10 days out of school a year for holidays by your children's headteacher. Since new legislation came into force in September 2013, schools are now only able to grant time off under "exceptional circumstances".

eg: B11 2A

Crucially, the guidance adds that this leave is "unlikely to be approved for the purposes of a family holiday".

Note that doesn't mean it's impossible and we still know of some families who've had agreement from schools for their children to miss the odd day. So to answer your question: it's extremely unlikely that you would get approval for a full week's holiday in term time and there will be consequences which we'll come to shortly...

What are these "exceptional circumstances" then if my much-needed family holiday wouldn't count?

The Department of Education has intentionally not specified what "exceptional circumstances" actually means, believing that "schools know their pupils best and are well placed to make those judgements without central government attempting to undermine them."

The result is that head teachers have the ability to determine the number of school days a child can be away for, if any.

The problem for parents with this is that it leaves things rather unclear and means some schools will take different approaches to others (although you might well find yours does define their rules and provides more information – check the policies section of the school's website or ask in the office).

So the answer is you don't know what counts then? What about missing school to attend a funeral or a hospital appointment?

There are some reasons for absence that under normal circumstances will be approved without any problems – attending a family funeral, hospital or

medical appointments for example. But even then most will expect this to be within the bounds of a sensible amount of time. On the other hand, requests for time off for a day out, because relatives are visiting or for a family member's birthday are extremely unlikely to be authorised.

Why does this matter to schools so much anyway? Surely a week or two out in a whole academic year won't have a major effect on my children's education? In fact maybe they will learn about other cultures and hey, we'll pack some workbooks...

Even if an individual head teacher were to agree with your views on this, they are likely to be under pressure from above, from Ofsted, to ensure absence rates are kept low – to an extent their hands will be tied.

To be fair, even if your children were to spend half their week away immersed in the culture of their holiday destination and the other half doing workbooks, they will still miss out on what's going on in the classroom.

The Department of Education reports that over a million children were taken out of school (mostly from primaries) in the academic year 2011/12.

When we contacted them their spokesperson explained the concerns this brings: "All absences add up because the child is not in school to receive their education. It is not just about the children taken out of school but the disruption it causes their classmates and the system as a whole. This puts enormous pressure on teachers planning lessons around these absences.

"Time spent out of school during term time is never truly made up. Every day at school counts enormously for pupils but so does every consecutive day attended. Pupils need to be able to absorb new facts and knowledge, acquire new skills and consolidate those skills before building further and

progressing. They simply cannot do that if their structured school terms are disrupted by too many preventable absences."

Why does my friends' school still allow holidays in term time then but ours doesn't?

We are still hearing of some schools continuing to approve the occasional day off for holidays which just goes to show what a grey area all this is. You're probably less likely to get authorisation if your child's school has poor attendance statistics, as in such cases the head teacher will be under pressure to cut down on absence. Additionally, a head teacher might take a tougher line with a child who has already missed a lot of school, compared to one with a 100% attendance record.

Hmm, am I stuck with no term time holidays until my kids leave school?

Things might well change as there's considerable pressure on the Government to do something about this issue and it was debated in parliament in February 2014 after a petition was signed by over 160,000 parents.

At the time of writing, the Government has stated its solution is that individual schools should use their discretion to [set term times of their own](#). Nice idea in theory but what about parents with siblings in two different schools or teachers who work in one school but have children attending another?

If we book that holiday anyway, what's going to happen? What can

the school do about it?

No one's going to come and confiscate your passports or expel your kids but your school's head teacher can impose a penalty notice fine of £120 per child, per parent. Note that, according to the Department of Education, the fines are per period your child is out of school and not per day and they also reduce down to £60 if paid within 21 days.

For some families coughing up £60 per child when they're saving hundreds by booking their holiday in, say, June instead of August, will be a small price to pay.

Be warned though that if you were to leave the fine unpaid for more than 28 days, you'll face [court proceedings](#) and possibly subsequent prosecution.

Bear in mind too that the fines are discharging your liability for criminal prosecution, as taking your child out of school when it is not authorised is actually an offence and therefore is not to be taken lightly.

It's worth checking your local authority's code of conduct on the circumstances under which a penalty notice will be issued to parents.

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