



Dear Parent/Guardian,

RE: Unauthorised absence from school – including requests for holiday during term time.

When a child is absent from school without authority the parent / carer can be held accountable for an offence under S.444 Education Act 1996; failure to secure the regular school attendance of a child. The Headteacher has the responsibility to decide what mark is placed in an attendance register irrespective of reason presented for the absence by the parent/carers.

In 2013 an amendment was made to Regulation 7 of the Education (Pupil Registration) (England) Regulation 2006, which states schools may only authorise an absence if they receive notification in advance and the reason for the absence is considered by the school to be "exceptional".

Over the past few months you may have seen a lot of information in the media regarding a case within the legal system where a parent challenged the term 'regular' asserting that taking a child out of school for the purposes of a family holiday, if this was the only occasion of absence was not tantamount to irregular attendance. This case resulted in a hearing at the Supreme Court and on the 6th April 2017 the judgement was announced.

The court considered the definition of the term 'regular' and stipulated that this means 'in accordance with the rules prescribed by the school'. Therefore, if the school advises a parent / carer that the child has accrued unauthorised absence or will be marked absent without authority and this is due to a request for holiday during term time which is denied, there would be evidence of the child failing to attend school regularly.

When unauthorised absence occurs, dependent upon the length and reason for the absence, the school have the option to refer to the Local Authority via the Pupil Entitlement: Investigation team for consideration of intervention. One option for intervention is that of the Fixed Penalty Notice (FPN), as an alternative to presenting the matter directly to the court.

The Supreme Court Judgement clarifies that there is no automatic right to absence from school for the purposes of a holiday during term time and it remains the decision of the Headteacher as to whether absence is authorised or not.

Yours sincerely

A handwritten signature in black ink, appearing to read "P. Austin".

Ms P Austin – on Behalf of Pupil Entitlement: Investigation