



18th July 2019

Dear Parents and Carers,

After the high-profile case of a family from the Isle of Wight going to court over being fined for taking their child out of school for a holiday, Local Authorities have been advised to be extremely clear on the regulations around what qualifies as an authorised and unauthorised holiday in term time. Local schools were made aware of these at a meeting last week. All the Kendal Collaborative Partnership schools, (all of the schools in Kendal,) felt it best to have a joint approach to term time holidays, as requested by the Local Authority, which is set out below. These are not new regulations, simply a reiteration of the existing law.

Holidays in Term Time:

Taking holidays in term time will affect a child's schooling as much as any other absence and we expect parents to help us by not taking children away in school time.

There is no automatic entitlement in law to time off in school term time, to go on holiday.

[Amendments to the 2006 regulations](#) make clear that the Headteacher may not grant any leave of absence during term time unless there are exceptional circumstances. The Headteacher should also determine the number of school days a child can be away from school if the leave is granted.

Leave of absence in exceptional circumstance:

The Headteacher may only grant leave of absence for exceptional circumstances.

Examples of any exceptional circumstances where leave may be granted during term time are as follows:

- If a parent is service personnel and is returning from a tour of duty abroad where it is evidenced the individual will not be in receipt of any leave in the near future that coincides with school holidays;
- Where an absence from school is recommended by a health professional as part of a parent or child's rehabilitation from a medical or emotional issue;
- The death or terminal illness of a close relative, only if Headteacher is satisfied that the circumstances are truly exceptional;
- Out of school programmes such as music, arts or sport operating at a high standard of achievement. Documentary evidence of this event will be required;
- Religious observance – The Education Act 1996 S444(3) (c), states "on any day exclusively set apart for religious observance by the religious body to which his/her parent belongs";
- To attend a wedding or funeral of a close relative if the Headteacher is satisfied that the circumstances are truly exceptional. Leave should only be authorised for this purpose when a Headteacher is satisfied that there is a persuasive reason for holding the wedding during term time and there WILL be an onus on parents to show clear evidence that this absence is absolutely an exceptional circumstance;
- In difficult family situations the Headteacher may use his/her discretion in granting leave and each case should be addressed on its individual merits, taking into account the overall welfare of the child.

Where there are exceptional and unforeseen circumstances that fall outside of the above, the Headteacher may consult with the governing body prior to any authorisation being given to the parent. Evidence would be required in each case.

If a request meets the stated exceptional circumstances but falls within the following times, the Headteacher must be convinced that absence from school is the only option before authorised absence will be granted:

- 1) The first half term of any academic year (applies to all pupils)
- 2) Year six transition day (for pupils in year six)
- 3) Year six SATs week (for pupils in year six)
- 4) The week before Year six SATs week (for pupils in year six)

When considering exceptional term time leave requests, the following factors may help to reach a decision:

- Time of the academic year when the leave has been requested;
- Duration of the absence – number of school days being missed;
- The child's current attendance and punctuality rate;
- Exceptional term time leave requested/taken in previous academic years for a similar purpose;
- Whether parent/carers have considered limiting the amount of time the child would be absent from school e.g. wrapping the leave around a school holiday;
- Have alternative care arrangements been considered by the parent/carer to limit the time away from school;
- Impact on any interventions, assessments or referrals being undertaken with the child or family e.g. family support, social care assessments, CAMHS, SEN;
- The impact that the absence will have on the child;
- Whether it falls within any key stage national tests or exams.

Examples of circumstances NOT considered as exceptional:

- Holidays abroad for the purpose of visiting a sick relative, excepting where that person is seriously ill. Medical evidence may be requested;
- Holidays taken in term time due to lower cost/parental work commitments.

Local Authority fines:

NOT EVERY FAMILY THAT TAKES AN UNAUTHORISED HOLIDAY WILL BE FINED

Cumbria Local Authority is now taking a more active approach to fining families for taking term time holidays. **The following are a list (not exhaustive) of considerations the Local Authority will consider when deciding if a holiday a family is taking should be fined or not:**

- The number of holidays a family have taken in the current year and previous years;
- If a family has lied about going on holiday;
- The attendance rates and late starts to school for all the children in the family;
- If a child, or their sibling, is, or through taking the holiday becomes, a 'persistent absentee', (this is attendance of 90% or lower);
- If a child, or their sibling, has ever been a persistent absentee.

You may have some questions about these regulations, and how it affects you in specific situations. If so, please make an appointment to speak to the headteacher.

Yours sincerely from the Headteachers of:

| | | |
|--------------------------------|--------------------------------|----------------------------------|
| Castle Park Primary School | St Thomas's C E Primary School | Vicarage Park C E Primary School |
| Crosthwaite C E Primary School | St Mark's C E Primary School | Kirkbie Kendal School |
| Ghyllside Primary School | St Oswald's C E Primary School | Queen Katherine School |
| Grayrigg C E Primary School | Selside C E Primary School | Sandgate School |
| Heron Hill Primary School | Dean Gibson R C Primary School | Kendal Nursery School |
| Stramongate Primary School | | |