

Debate Pack

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E-petition 658365 relating to holidays during school term time

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Summary

There will be a Westminster Hall debate relating to holidays during school term time on 25 November 2024 at 4:30pm, opened by Dave Robertson MP. The Petitions Committee agreed to the debate in response to an e-petition that attracted over 250,000 signatures.

1 Background

1.1 E-petition

[E-petition 658365](#) calls for the Government to “Allow students to be taken out of school for two weeks a year without penalty”. The petition closed early due to the General Election on 30 May 2024 with over 250,000 signatures.

The previous government responded to the petition prior to the General Election, issuing a response in May 2024, that said regular school attendance is vital for attainment, wellbeing and development, and although having sympathy for families who wish to avoid busier periods, were clear that children should not miss school for term-time holidays, which causes disruption to teachers and other pupils¹.

1.2 Regulations

England

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. The law governing such leave of absences was tightened up from September 2013.

The [Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#), amended the [Education \(Pupil Registration\) \(England\) Regulations 2006](#), to remove references to family holiday and extended leave as well as the statutory threshold of ten school days².

These regulations meant head teachers may not grant leave of absence during term-time unless there are exceptional circumstances.

Regulations were further updated in 2024 through [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2024](#), which amended [The Education \(Penalty Notices\) \(England\) Regulations 2007](#), with updated fines rising from £60 to £80 when paid within 21 days of the note being received and

¹ UK Government and Parliament Petitions, '[Allow students to be taken out of school two weeks a year without penalty](#)', May 2024

² The 2006 regulations said that a leave of absence could be granted for a holiday where an application had been made in advance and the school believed “special circumstances” applied to grant that application. The regulations said that, save in “exceptional circumstances”, a pupil should not be granted more than ten days leave per school year for holidays

from £120 to £160 when not paid within the 21 days but paid within 28 days. A flat rate of £160 has also been introduced for a second attendance offence within three years with parents subject to prosecution on failure to pay these fines.³

[The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2024, Section 5](#) states there is a duty to consider issuing these fines if there has been an absence of ‘10 sessions in any given period of 10 consecutive school weeks’ (equivalent to 5 full days)⁴.

A limit of two fines per parent within three years has also been introduced under these regulations, seeing other actions such as parenting orders or prosecutions potentially resulting in fines of up to £2,500 taking effect once the limit has been reached.

Penalty notices 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. Penalty notices can be issued to each parent liable for the attendance offence or offences.

89% of unauthorised absences fines are accounted for by term time holidays.⁵

DfE guidance was updated in August 2024 and stated that schools can grant a leave of absence for; taking part in a regulated performance or employment abroad, attending an interview, study leave, temporary time limited, part time timetable or exceptional circumstances.

Exceptional circumstances are laid out in the guidance:

All schools can grant a leave of absence for other exceptional circumstances at their discretion. In the case of schools maintained by local authorities and special schools not maintained by local authorities, it must be requested in advance by a parent who the pupil normally lives with. Schools are then expected to consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request. If a leave of absence is granted, it is for the school to determine the length of the time the pupil can be away from school.⁶

Under Code C (para 349) of the same the guidance, it states ‘Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.’⁷

³ [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2024](#)

⁴ As above

⁵ Department for Education, [The Education Hub: ‘Fines for parents for taking children out of school: What you need to know’](#), 19 August 2024

⁶ Department for Education, [‘Working together to improve school attendance’](#) p18, August 2024

⁷ As above

The National Framework for penalty notices is set out within the guidance document and outlines that a penalty notice can be issued ‘where parents are deliberately avoiding the national threshold by taking several term time holidays below (the 10 session) threshold’ as long as local authorities make this clear in their Local Code of Conduct.⁸

Wales

The situation in Wales is slightly different, where headteachers can grant students up to 10 days of leave but no more unless in exceptional circumstances.

The Welsh Government published [guidance in October 2023 on school attendance](#), with a section titled ‘Holidays in term time and extended overseas trips’ outlining the factors that teachers should explain the following to parents:

- advance application for term time absence must be made in line with school attendance policy
- the absence should be planned carefully with the school – leave and return date to be agreed
- the school will make the decision if the visit will be authorised or not
- where possible, extended visits should be made during school holidays
- outline the possible detrimental affect it could have on the learner’s progress
- examination periods should be avoided
- explain the amount of school work that would be missed and how the school can provide a study pack which the family could help the learner to complete
- explore the possible educational benefits of the visit but also the wellbeing benefits, particularly for children of diaspora families.⁹

Scotland

In Scotland, there is no fine system. Instead, powers under the [Education \(Scotland\) Act 1980](#) enable Local Education Authorities (LEAs) to issue an [Attendance Order](#) against the parent, if the parent cannot provide a reasonable reason for the child being off school, and the absence problem

⁸ Department for Education, ‘[Working together to improve school attendance](#)’ p56-61, August 2024

⁹ Welsh Government, ‘[Belonging, engaging and participating](#)’ p31-32, 24 October 2023

can't be solved. This bounds the parent with a duty to ensure the child is regularly attending school.¹⁰

Non-compliance with an attendance order may see the parent face prosecution and if convicted; fined (not exceeding Standard scale level 3, currently not exceeding £1000), imprisoned for up to one month, or both fined and imprisoned.

The [Scottish Government have also published guidance in 2019](#) regarding holidays during term time:

Absence from school, whatever the cause, disrupts learning. It is important that parents encourage their children or young people to attend school and that parents arrange family holidays during the holiday period. Family holidays should not be recorded as authorised absence, other than in exceptional circumstances, where a parent's employment is of a nature where school-holiday leave cannot be accommodated. Such employment may include armed services, emergency services, professions where parents are required to work away from the family for prolonged periods of time. It is for education authorities and schools to determine their own context and assess when these circumstances apply and authorise absence accordingly. However, the majority of family holidays, if taken during term time, should be recorded as unauthorised.

The categorisation of most term-time holidays as unauthorised absence is an on-going contentious issue due to the higher cost of holidays during school holiday periods. The Scottish Government recognises the importance of family holidays but has no control over the pricing decisions of holiday companies or flight operators. Attendance is one of the five key drivers for raising attainment as part of the Scottish Attainment Challenge. Our main focus is therefore to encourage parents and children and young people to recognise the value of learning and the potential impact of disrupting learning for the child or young person and the wider school community.¹¹

Northern Ireland

In Northern Ireland if a child misses school due to a term time holiday, the school are entitled to record the absence as unauthorised. Although fines are not issued, if regular absences occur, namely dropping below 85% attendance, parents could be referred to the Education Welfare Service (EWS). Failure to engage with the service can lead to prosecution.

¹⁰ [Education \(Scotland\) Act 1980](#) (Part II, section 36-48A)

¹¹ Scottish Government, ['Included, engaged and involved part 1: promoting and managing school attendance'](#) para 6.3, 14 June 2019

[The Education and Libraries \(Northern Ireland\) Order 1986](#) gives the power of a fine not exceeding £1,000 in court to the parent (for each child).¹² An Education Supervision Order (ESO) could also be made by a Court under [Article 55 of the Children \(NI\) Order 1995](#).

[Guidance published from the Northern Irish Executive](#) can be found below:

Term time holidays have been increasing over the last number of years. Parents should make every effort to make sure that their child does not miss school due to holiday plans. Schools are not obliged to agree to you taking your child on holiday during term time. They are entitled to record such holidays as being an unauthorised absence.

If your child is missing school without good reason, schools and the EA have the right to find out why.

If your child is referred by their school to the EWS for absenteeism, the EWS will first arrange for an Education Welfare Officer (EWO) to visit your home.

Prosecutions against parents are used as a last resort where parents fail to engage with the service and continue to ignore their child's educational and welfare needs.

The EWS can apply to the courts to fine parents of children who aren't attending school regularly. In a magistrate's court, a parent could be fined up to £1,000 for each child who misses school.¹³

1.3

Concerns

Term time holidays have long been a contentious debate, but discourse has become even more prevalent with the rising cost of living and inflating prices, particularly during school holiday periods. The 2013 changes have been unpopular with many parents, resulting in increased media coverage about the issue.

[Parentkind, a national parent charity group, published a report in 2024](#) that found 57%¹⁴ of parents wouldn't be deterred by a fine when considering taking their child on a term time holiday and 32% said they were more relaxed about their child's attendance since Covid-19¹⁵.

¹² [The Education and Libraries \(Northern Ireland\) Order 1986](#) (Schedule 13, Part III)

¹³ NI Direct, '[School attendance and absence](#)'

¹⁴ Parentkind, '[The National Parent Survey](#)' p57, 2024

¹⁵ Parentkind, '[The National Parent Survey](#)' p54, 2024

Parents have argued that the impact on children's learning is minimal since they are usually absent for a limited amount of time. Additionally, parents may only consider holidays during term-time if they forecast that the children can make up for the missed work or are high performers.

Concerns have also been raised about the impact on tourism. Reflecting the impact on the tourism industry in Cornwall, in a [Westminster Hall debate in 2015](#), Steve Double, the former MP for St Austell and Newquay, argued that those who cannot afford to take time off during the tourist season are negatively impacted by the policy.¹⁶

DfE figures from the last academic year show that around a fifth of all unauthorised absences can be categorised by unauthorised holidays. Unauthorised absences in total stood at 2.5% last year.¹⁷ The DfE have long been clear on the negative effects of a child missing school, stating a direct correlation between those who have lower attendance rates and those with lower levels of attainment achieved.¹⁸ The department also states the impact of children missing school can have on their wellbeing and the classroom:

This is important not just for your child's learning, but also for their overall wellbeing, wider development and their mental health. It's not just children who fail to attend school who miss out, but those around them too.¹⁹

¹⁶ HC Deb 26 October 2015, vol 601 cc2WH-32WH

¹⁷ Department for Education, '[Pupil attendance since week commencing 11 September 2024 - Academic year 2023 - 2024](#)' in England for 2023/24, September 2024

¹⁸ Department for Education, '[The link between absence and attainment at KS2 and KS4: Academic Year 2018/19](#)', 6 May 2022

¹⁹ Department for Education, [The Education Hub: 'Fines for parents for taking children out of school: What you need to know'](#), 19 August 2024

2 Parliamentary materials

2.1 Parliamentary questions

[Pupils: Attendance](#)

18 September 2024 | UIN 5178

Asked by: Victoria Collins

To ask the Secretary of State for Education, what assessment her Department has made of the effectiveness of the rate of fines for parents and carers taking their children out of school during term times on encouraging school attendance.

Answering member: Stephen Morgan | Department of Education

Tackling absence is at the heart of the government's mission to break down barriers to opportunity. The government understands that reasons for absence are varied, which is why updated statutory attendance guidance sets out that schools, trusts and local authorities should always work together with other local partners to understand the barriers to attendance and establish strategies for removing them.

The government's support-first approach is the right one. Penalty notices should only be used in cases where support is not appropriate, such as in cases of holidays taken in term-time, or where support has already been provided and has not been engaged with or has not worked.

Information about the rates of fixed penalty notices is published here: <https://explore-education-statistics.service.gov.uk/find-statistics/parental-responsibility-measures>

[Pupils: Absenteeism](#)

7 July 2023 | UIN 190346

Asked by: Alberto Costa

To ask the Secretary of State for Education, what assessment her Department has made of the effectiveness of the rate of fines for parents and carers taking their children out of school during term times on encouraging school attendance.

Answering member: Nick Gibb | Department of Education

Parents have a duty to ensure their child of compulsory school age, who is registered at school, attends regularly.

The Department has not formally assessed the impact of penalty notices. Data shows that absence due to unauthorised holidays, for which 85% of penalty notices are issued, has remained stable between 2017/18 (85%) and 2021/22 (85%). Data for 2020/21 should not be used due to COVID-19 restrictions.

The Department has consulted on a new framework to improve consistency and fairness in issuing penalty notices and to ensure they are used effectively as part of the suite of parental responsibility measures. The Department will be responding to this consultation in due course.

[Schools: Academic Year](#)

15 June 2022 | UIN 13700

Asked by: Justin Tomlinson

To ask the Secretary of State for Education, if he will make an assessment of the potential merits of setting different school term times for different regions in order to spread the demand for school holidays and thereby reduce holiday costs for parents and school staff.

Answering member: Robin Walker | Department of Education

The department does not have any plans to propose changes to term dates. School holidays are not determined at national level, they are agreed locally by trusts, schools, and local authorities (depending on school type). We believe that they are best placed to set school term and holiday dates in the interests of the pupils at their schools and their parents.

If schools do decide to change their term dates, they are required to act reasonably, giving parents notice and considering the impact on those affected. This includes pupils, teachers, the local community, parents' work commitments and childcare options for both parents and teachers.

2.2

Debates

[School Attendance \(Duties of Local Authorities and Proprietors of Schools\) Bill](#)

17th May 2024 | House of Commons | 750 cc586-595

[Authorised Absence from School](#)

5th June 2019 | House of Commons | 661 cc137WH-144WH

[School Penalty Fines and Authorised Absence](#)

11th July 2016 | House of Commons | 613 cc2WH-26WH

[Term-time Leave](#)

26th October 2015 | House of Commons | 601 cc2WH-32WH

3

Press and stakeholder materials

[The families split over taking school term-time holidays - BBC News](#)

BBC News

14 May 2024

[Fines are 'too blunt' to cut persistent absence say school leaders](#)

NAHT

16 October 2024

[Term-time holiday fine rise won't stop us, say parents - BBC News](#)

BBC News

5 September 2024

[Fines do not deter parents from booking term-time holidays](#)

The Telegraph

16 October 2024

[Rising costs and term-time trips: How UK travel trends are shifting in 2024](#)

YouGov Business

11 November 2024

[Mum facing criminal record for taking daughter on holiday during school term - Mirror Online](#)

The Mirror

12 November 2024

[Tackle the cost of travel in school holidays to cut absence](#)

Tes

18 October 2024

[Can you take kids on term-time holidays without being fined?](#)

Money Saving Expert

21 August 2024

[Bridget Phillipson says term-time holiday fines 'here to stay' - BBC News](#)

BBC News

19 July 2024

[Majority of parents not deterred by fines for term-time family holidays – survey | The Independent](#)

The Independent

16 October 2024

[Labour's term-time holiday crackdown won't work | The Spectator](#)

The Spectator

6 September 2024

[What the law in Wales says about taking children out of school in term time - Wales Online](#)

Wales Online

25 August 2024

[Report: Nearly half of Northern Ireland think children should be allowed to holiday during term time](#)

Belfast News Letter

5 August 2024

[Should parents be fined for taking family holidays in term time?](#)

The Times

11 July 2024

[Unauthorised holidays 'biggest contributor' to Scotland's falling school attendance rates | STV News](#)

STV News

19 March 2024

[When is it OK to let my child miss school? Amid rising 'absence epidemic' concerns - The Irish News](#)

The Irish News

2 September 2024

[Parents 'not deterred' by fines for holidays during school terms, survey finds | UK News | Sky News](#)

Sky News

16 October 2024

4 Further reading

House of Commons Library, [School attendance in England](#), 17 May 2024

House of Commons Library, [Holidays during school term-time in England](#), 11 May 2023

Department for Education, [Working together to improve school attendance](#), 19 August 2024

House of Commons Library, [E-petition 129698 relating to school penalty fines and authorised absence from school](#), 7 July 2016

House of Commons Library, [Term-time Holidays: Supreme Court judgment](#), 6 April 2017

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