

**P-04-576 Allow Children in Wales to Have a Family Holiday During Term Time – Correspondence from the Petitioner to the Clerking Team, 15.04.2015**

In September 2014 we (parents) were informed by our head teachers across Wales, that in response to Welsh Assembly legislation, the education Authorities of Wales had removed the right of Head teachers, to authorise absence from school during term time for the purpose of family leisure or family educational trips. We believe this to be unfair and socially divisive as it brings more children into the 'have not' section of society with all its attendant ills of low self esteem and lack of motivation to better oneself.

There are many families, that are affected by this ruling; parents that work in the tourism industry (60% in Ceredigion), those on very low wages, or that work for small businesses that cannot work the rota to allow every employee time of over the summer holiday period, to name but a few. We are not talking about having a better holiday, but about having a holiday at all, this can depend on a variety of circumstances not only financial, although this is of course a large consideration, with holidays costing almost twice as much during the school holidays, even at half term or Easter. We set up a petition on '38 degrees' and quickly amassed 9'000 signatures of voters who agreed with us that this legislation is being used unfairly. We started a similar petition on the Welsh Assembly website and gained over 1000 Welsh voter's signatures in 48 hours, showing that we are far from being alone in our opinion.

In response to a question from Russell George, Huw Lewis (Welsh Assembly Education Minister) said "I think that we do need the discretion of headteachers to be taking the lead here in terms of the decision making around absence." He also claimed in a radio programme on BBC Wales, that "Head Teachers still have the right to allow up to ten days off per year for the purpose of a family holiday", this is not the case. If this is indeed the Welsh Assembly's intent, then Education Authorities are in need of further guidance, in the way they implement this legislation, as they clearly believe it is in place not to penalise the uncaring parents of truanting children, but responsible parents that care deeply about their children's educational and emotional wellbeing. The proof of this can be seen in these extracts of letters sent by schools to parents 'schools **will not authorise family holidays or routine appointments** taken during term time', also '**if you take holidays during term time [...] you could be fined**' (ERW 6<sup>th</sup> October 2014) . This is being passed on by schools

in their attendance policy with comments such as 'Head teachers do have the discretionary power to grant leave for the purpose of family holiday or trips. However the ERW Consortium is strongly advising that any holiday or day trips in term time should be unauthorised, and that there should be no exceptions to this policy.' This clearly shows interference in the way head teachers are running their schools regardless of the educational standards achieved.

Anne Keene's letter in response to the petitions committee states "Currently, headteachers have discretionary **[legal]** powers to authorise holidays, of up to ten school days in term time, in exceptional circumstances. However, many local authorities or regional consortia have instructed schools to record any holiday as unauthorised absence". This "instruction" (essentially a blanket ban on term time holidays) is unlawful, in my view, as it flies in the face of the legislation and the Framework which states that requests for leave must be assessed on an individual basis and can be authorised.

The relevant law is contained in the Education (Pupil Registration) (Wales) Regulations 2010 (<http://legislation.gov.uk/wsi/2010/1954/regulation/7/made>) which bestows upon the school a discretionary power to grant a leave of absence during term time (Regulation 7). This discretion can be exercised for a variety of reasons, including a leave of absence for the child to go on holiday (Reg. 7(3)). Apart from "in exceptional circumstances", a pupil must not be granted more than ten school days leave for a holiday in any school year (Reg. 7(4)).

Further legislative guidance on the Regulations can be found in The All Wales Attendance Framework (<http://wales.gov.uk/docs/dcells/publications/110308section1en.pdf>) paragraphs 316 to 320, which state that parents do not have an automatic right to withdraw pupils from school for a holiday and, in law, have to apply for permission in advance (para. 316). However, when assessing a request for leave for a family holiday, school staff should treat each request individually and the following factors should be considered (para. 317):

- time of year of proposed trip;
- length and purpose of the holiday;
- duration of the holiday and its impact on continuity of learning;
- circumstances of the family and the wishes of parents;
- the overall attendance pattern of the child

The Framework states that, where such absences are sanctioned, they should be counted as an **authorised** absence.

Huw Lewis, Minister for Education and Skills, has made a number of statements setting out that he expects schools, local authorities and consortia to have due regard to the Regulations. His latest comment on the issue was at National Government level in the Assembly on 14th January 2015, when he said that he "would be concerned" if Local Authorities/Education Consortia were bringing to bear pressure on Heads meaning that unauthorised absence in term time was rarely granted.

Governors and other public bodies are required to act within the law. It would seem that in ERW recommending to Heads not to authorise leave for any holidays, they are preventing a Head from both exercising his or her discretion set out in the primary legislation and also precluding him or her from assessing each request individually and taking into consideration the factors set out in the Framework.

We consider that any school attendance policy should include the wording "In Wales, the Education (Pupil Registration) (Wales) Regulations 2010 gives schools discretionary powers to authorise up to 10 days absence per year for a family holiday during term time. Parents may apply to the head teacher for permission in advance. This does not, however, give parents an automatic right to remove their children from school for a holiday during term-time". This is to quote the Minister on the issue from his letter of 4th November 2014 (to Angela Burns AM).

In conclusion, we do not expect the right to remove our children from school during term time without question, as education is of paramount importance. We do however want to be given back the right to ask permission to do so, from the Head Teacher of our children's school, a person that knows us and our personal circumstances and our children's educational achievements, standards and abilities. Also for that Head Teacher to have the unfettered right to allow that time off, provided they think is appropriate to the child's best interests, without fear of reprimand, from higher authorities, who often have little or no educational qualifications or experience.

Hi Kathryn,

I think it is important that the attachments above are also printed out for the petitions committee as they clearly show the kind of pressure being put on the Head teachers by the Education Authorities in Wales, these are copies of actual letters sent to them.

Thanks Beth

---

Sorry I meant these are the letters being sent to parents, this is what is actually happening, not what the education authorities are claiming is happening



[www.erw.org.uk](http://www.erw.org.uk)

**Eifion Evans**  
**Cyfarwyddwr Arweiniol**  
**Consortiwm De Orllewin a Chanolbarth Cymru**  
Y Llwyfan, Heol Y Coleg,  
Caerfyrddin  
SA31 3EQ  
Ffôn: 01267 676840  
E-bost: [admin@erw.org.uk](mailto:admin@erw.org.uk)

**Eifion Evans**  
**Lead Director**  
**South West and Mid Wales Consortium**  
Y Llwyfan, College Road,  
Carmarthen  
SA31 3EQ  
Telephone: 01267 676840  
E-mail: [admin@erw.org.uk](mailto:admin@erw.org.uk)

6<sup>th</sup> October 2014

Dear Parent,

## SCHOOL ATTENDANCE

I write to thank you for supporting our efforts to improve school attendance in **Carmarthenshire** and to ask for your cooperation in continuing to improve attendance in the interest of our children and young people. School attendance is a priority for us in **Carmarthenshire** and the ERW regional school improvement service<sup>i</sup> and a common approach to improve school attendance is being used. This includes the decision not to authorise holidays in term time.

Having looked at school attendance in **Carmarthenshire** for 2013/14 we have seen improvement.

	<b>2013/2014 Attendance</b>
Primary Schools	95.0%

As you can see there has been marked improvement in school attendance with a reduction in the number of holidays taken during term time. Thank you very much for helping us achieve this result.

All of us are working hard to improve standards and outcomes for our children and young people and I know you're aware that there is a clear and direct relationship between regular school attendance and pupil achievement. We have seen improvements in standards across the region this year, and I know that some of this is due to improved school attendance.

Although there has been improvement this year we need to continue to address this issue in the interests of our children and young people. To ensure further improvement I would like to remind you of the following-

- The Welsh Government and ERW expects all pupils to attend school at least 95% of the time.
- Missing school jeopardises the learner's chances of fulfilling his/her potential as regular attendance improves the chances of being successful at school.
- Schools **will not authorise family holidays** or **routine appointments**<sup>ii</sup> taken during term time.
- If you take your child out of school for non-authorised activities we are obliged to consider legal measures under the 1996 Education Act and you may be subject to a fine or prosecution.
- If your child is absent for a period of four weeks or longer they will be removed from the school roll in accordance with admission guidance. Please note that we cannot guarantee that a place will be available for your child in the school of your choice on their return and a place will be offered at the nearest school with a vacancy.
- **If you take holidays during term time or your child is consistently late you could be fined.**

I would like your continued support to ensure that your child's attendance is the best it can be. You can do this by making sure your child is in school on time and by not arranging family holidays or routine appointments during term times. However, if you are having difficulties with your child's attendance, please talk to your school who can arrange support for you.

I am confident that we can work together to further improve school attendance and ensure that our children reach their full potential.

Yours sincerely



Eifion Evans  
Lead Director, ERW  
South West and Mid Wales Consortium

---

<sup>i</sup> ERW is the regional education consortium comprising Carmarthenshire, Ceredigion, Neath Port Talbot, Pembrokeshire, Powys and Swansea.

<sup>ii</sup> By routine appointments we refer to periodic assessments such as dental check-ups, occasional optical examinations, non-urgent doctor consultations, etc, where parents/ guardians are able to influence the timing of appointments.



[www.erw.org.uk](http://www.erw.org.uk)

**Eifion Evans**  
**Cyfarwyddwr Arweiniol**  
**Consortiwm De Orllewin a Chanolbarth Cymru**  
Y Llwyfan, Heol Y Coleg,  
Caerfyrddin  
SA31 3EQ  
Ffôn: 01267 676840  
E-bost: [admin@erw.org.uk](mailto:admin@erw.org.uk)

**Eifion Evans**  
**Lead Director**  
**South West and Mid Wales Consortium**  
Y Llwyfan, College Road,  
Carmarthen  
SA31 3EQ  
Telephone: 01267 676840  
E-mail: [admin@erw.org.uk](mailto:admin@erw.org.uk)

14<sup>th</sup> October 2014

Dear Parent,

## **SCHOOL ATTENDANCE**

I write to thank you for supporting our efforts to improve school attendance in **Carmarthenshire** and to ask for your cooperation in continuing to improve attendance in the interest of our children and young people.

School attendance is a priority for us in Carmarthenshire and the ERW regional school improvement service<sup>i</sup> and a common approach to improve school attendance is being used. This includes the decision not to authorise holidays in term time.

Having looked at school attendance in Carmarthenshire for 2013/14 we have seen improvement.

	<b>2013/2014 Attendance</b>
Secondary Schools	93.9%

As you can see there has been marked improvement in school attendance with a reduction in the number of holidays taken during term time. Thank you very much for helping us achieve this result.

All of us are working hard to improve standards and outcomes for our children and young people and I know you're aware that there is a clear and direct relationship between regular school attendance and pupil achievement. We have seen improvements in standards across the region this year, and I know that some of this is due to improved school attendance.

Although there has been improvement this year we need to continue to address this issue in the interests of our children and young people. To ensure further improvement I would like to remind you of the following:

- The Welsh Government and ERW expects all pupils to attend school at least 95% of the time.
- Missing school jeopardises the learner's chances of fulfilling his/her potential as regular attendance improves the chances of being successful at school.
- Schools will not authorise family holidays or routine appointments<sup>ii</sup> taken during term time.
- If you take your child out of school for non-authorised activities we are obliged to consider legal measures under the 1996 Education Act and you may be subject to a fine or prosecution.
- If you take holidays during term time or your child is consistently late you could be fined.

I would like your continued support to ensure that your child's attendance is the best it can be. You can do this by making sure your child is in school on time and by not arranging family holidays or routine appointments during term times. However, if you are having difficulties with your child's attendance, please talk to your school who can arrange support for you.

I am confident that we can work together to further improve school attendance and ensure that our children reach their full potential.

Yours sincerely



Eifion Evans  
Lead Director, ERW  
South West and Mid Wales Consortium

---

<sup>i</sup> ERW is the regional education consortium comprising Carmarthenshire, Ceredigion, Neath Port Talbot, Pembrokeshire, Powys and Swansea.

<sup>ii</sup> By routine appointments we refer to periodic assessments such as dental check-ups, occasional optical examinations, non-urgent doctor consultations, etc, where parents/ guardians are able to influence the timing of appointments.



Hi Kathryn,

I really am sorry to be a pain but this came today as a response to an email I sent to Huw Lewis, on the link provided there is a table of advice to head teachers one of the headings is a document called 'declining permission' where the Head Teachers have a pre written form declining permission for a term time holiday, without addressing any of the reasons why, other than the fact that ERW has banned them. I think it would be very useful for the committee to have a copy of this form (below) as well .

Many thanks Beth

## OR School Heading

Parents name and address:

Date:

Dear Parent/Guardian/or full name,

I note that you have applied to take <name of pupil> out of school during the school term.

The Education (School Day School Year) (Wales) Regulations 2006 states pupils are expected to attend school for 190 days a year. Moreover, there is a strong correlation between good attendance and high achievement as set out below:

95-100% attendance	Best chance of success	Your child is taking full advantage of every learning opportunity.
90-95% attendance	At least 2 weeks of learning missed	Satisfactory. Your child may have to spend time catching up with work.
85-90% attendance	At least 4 weeks of learning missed	Your child may be at risk of underachieving and may need extra support from you to catch up with work.
80-85% attendance	At least 5½ weeks of learning missed	Your child's poor attendance has a significant impact on learning.

Below 80% attendance	At least 7½ weeks of learning missed	Your child is missing out on a broad and balanced education. You are at risk of prosecution.
----------------------	--------------------------------------	--

The decision was taken by ERW, our regional education consortium, to strongly recommend to headteachers and governing bodies that they do not authorise any absences due to holidays during term times. This recommendation would mean that any absences that are due to pupils being taken on holiday during term time would be recorded as unauthorised.

As a school we actively encourage parents not to take holidays during term time so that children can fully benefit from the opportunities their school provides. If children are not in school, they cannot learn.

For the reasons outlined above the school will not be authorising the requested absence from school.

Yours faithfully / or sincerely,

Head-teacher



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref TO/HL/00646/15

B Walpole-Wroe

bethwalpole@btinternet.com

16 April 2015

Dear Ms Walpole-Wroe

Thank you for your email to the Minister for Education and Skills dated 25 March about parents who wish to take their children on holiday during term-time. I have been asked to reply.

Thank you for attaching the letters from ERW on school attendance dated 14 October 2014. These letters had previously been brought to our attention and as a result officials from the Welsh Government have discussed their content with representatives from ERW. The latest information for parents can be found by clicking on the "Attendance: Explanatory Letter" Word link on the ERW website from the following link  
<http://www.erw.org.uk/attendance/>

This states that ERW recommends head teachers and governing bodies do not to authorise holiday requests during term time. Legally head teachers have the discretionary power to authorise leave for a family holiday during term time where parents seek permission. A head teacher should consider the time of year of the proposed trip, length and purpose of the holiday, impact on continuity of learning, circumstances of the family and the wishes of parents as well as the overall attendance pattern of the child.

Yours sincerely

*Emyr Foxhall*

Emyr Foxhall  
Support for Learners Division

Support for Learners Division,  
Department for Education and Skills  
Welsh Government, CARDIFF  
CF10 3NQ

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400

TO/HL/00646/15