Fixed penalty notices for regular non-attendance at school and holidays during term time have proved emotive for parents and schools alike. I therefore felt it necessary to re-emphasise the Welsh Government’s position on this issue.

Good school attendance is key to helping children have the best possible start in life and maximise their potential, both in terms of academic achievement and future employability. There is clear evidence which links attendance and educational achievement.

Parents do not have an automatic right to withdraw pupils from school for a holiday during term time. However, there may be circumstances that warrant a pupil taking time off in term time and this is why head teachers are best placed to make the decision. The Education (Pupil Registration) (Wales) Regulations 2010 state that head teachers have a discretionary power to authorise leave for a family holiday during term time where parents seek permission. Except for exceptional circumstances, no more than 10 days’ leave should be granted for this purpose.

A head teacher should consider individual circumstances on a case-by-case basis. A number of aspects will be taken into account, including the time of year, length and purpose of the holiday, impact on continuity of learning, timing of exams or tests, circumstances of the family and the wishes of parents, as well as the overall attendance and attainment of the child.

If a head teacher decides not to grant a parent’s request for a holiday in term time, but the parent takes the child on holiday regardless, this is classed as an ‘unauthorised’ absence. The Education (Penalty Notice) (Wales) Regulations 2013 state that penalty notices are issued for failing to regularly attend school, that is, regular ‘unauthorised’ absence.
Parents have a legal responsibility to ensure their child/children receive an education regardless of their socio-economic background. That said local authorities have a social and moral obligation to work with, and understand, the needs of individual families to ensure the best outcomes for the child. Targeted intervention and effective engagement with families play a vital role in resolving poor school attendance. Where there is regular unauthorised absence, schools and local authorities have a number of options to help secure attendance. Fixed penalty notices are just one of a number of options available.

The criteria for issuing penalty notices, which may differ between local authorities, will be set out in their individual codes of conduct. Before issuing a fixed penalty notice, each local authority must have its code of conduct in place. The code sets out how the fixed penalty notice system operates and the measures in place to ensure consistency, fairness and transparency in the way they are applied. This should be available to parents and accessible on the local authority website.