

29 June 2016

## **Term time absences from school**

### **Purpose**

For discussion and direction.

### **Summary**

Schools Minister Nick Gibb MP wrote to Head teachers and Directors of Children's Services on 9 June, seeking to clarify the position on term time absences from school following a High Court judgement involving the Isle of Wight. A copy of the letter is attached and this report summarises the current LGA position on term time holidays and asks for views from the Board on how it can be clarified.

### **Recommendation**

That the Board gives its views on clarifying the position for councils and head teachers on the issue of fines for unauthorised absences from school.

### **Action**

Officers to take action as directed by members.

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## **Term time absences from school**

### **Background**

1. Schools Minister Nick Gibb MP wrote to Head teachers and Directors of Children's Services on 9 June, seeking to clarify the position on term time absences from school following the judgment by the High Court on Friday 13 May regarding the case of the Isle of Wight Council v Jon Platt. A copy of the letter is attached. In it, the Minister expresses disappointment with the High Court ruling and seeks to clarify that:
  - 1.1 The High Court's judgment did not establish a hard and fast rule that a pupil's attendance above 90% is regarded as 'regular' attendance. Instead, a decision will have to depend on the individual facts of each case.
  - 1.2 The view of the Department for Education (DfE) is that the decision in the Isle of Wight case does not require local authorities to refund fines already issued and expects applications of this kind to be refused by councils in the ordinary course of events.

### **The current LGA position**

2. The LGA has argued that blanket bans do not work and the High Court ruling shows that the current system is not always enforceable. We have said that we want to work with the Government to find a sensible solution whereby every family has the option to spend time together. While councils fully support the DfE's stance on every child being in school every day, there are occasions when parental requests should be given individual consideration and a common sense approach applied.
3. Although we have asked for greater clarity and greater local discretion, we have been asked in our turn what specifically we would want to see the Government change. The Board's views are sought about how, in practice, the current system can be changed to provide to provide both clarity and flexibility in this area.