

Cheshire West & Chester Council

Education Infrastructure
Schools Relationship Team
Cheshire West and Chester Council
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Gerald Meehan
Chief Executive

www.cheshirewestandchester.gov.uk

our reference

your reference:

please ask for:

Thursday 20th April 2017

Schools Relationship Team
01244 976175

Dear Parent,

Fixed Penalty Notices for Unauthorised Holidays

I am writing to you to clarify the position regarding the issuing of Fixed Penalty Notices for Unauthorised Holiday absences. As you are probably aware that the decision of the Supreme Court on the matter of 'regular attendance' in the case of Isle of Wight v Platt has now been heard and the judgment of the Supreme Court has finally been released. They have acknowledged that there are sound policy reasons for not allowing term time holidays and that ultimately the legal position remains the same. *Unless there are exceptional circumstances a term time holiday is contrary to s.444 (1) of the Education Act 1996 and an FPN can be issued.*

If you require any further information about the outcome a summary can be found here
<https://www.supremecourt.uk/cases/docs/uksc-2016-0155-press-summary.pdf>.

Cheshire West and Cheshire Legal Team have been considering the options for the Council regarding this outcome and the issuing of Education Fixed Penalty Notices. As the decision of the Supreme Court on the matter of 'regular attendance' in the case of Isle of Wight v Platt was not forthcoming until 6 April 2017. Almost 10 months has elapsed between the decision of the High Court and that of the Supreme Court meaning that the Fixed Penalty Notice (FPN) system of disposing with leave of absence offences was put on hold during that time.

Although the legal position or 'regular attendance' has finally been clarified (i.e. pupils should attend school on each day they required to do so). To ensure we apply the law consistently and fairly it has been agreed that the FPN system will recommence from September 2017 onwards. This will allow everyone concerned to be clear about the whole process; from point of request to school to conviction at court (should a case progress that far).

In the meantime, all parents intending to remove their child from school for a leave of absence during the remainder of the 2016-17 academic year are still required to submit a written request to the school in advance of the period of leave for the head teacher to consider whether or not the circumstances are exceptional.



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A leave of absence taken during the remainder of the 2016 – 2017 academic year which is not considered to be exceptional in circumstances will be recorded as unauthorised, notwithstanding that a Fixed Penalty Notice will not be issued.”

Any requests made for a holiday to be taken in the new academic year September 2017 or thereafter irrespective of when the request was made which is not considered to be exceptional in circumstances will be recorded as unauthorised, and a Fixed Penalty Notice will be issued.

I hope this clarifies the situation but if you have any questions or queries please do not hesitate to contact us on 01244 976175 or by email FPNPayments@cheshirewestandchester.gov.uk

Yours sincerely

Debbie Ward

Fixed Penalty Notice Officer



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