

## **School term and holiday dates – frequently asked questions**

### **Who is responsible for setting a school's term and holiday dates?**

Term dates and holidays, in England, are set:

- for community and voluntary controlled schools, community special schools and maintained nursery schools, by the local authority (LA)
- for foundation and voluntary aided schools, by the governing body
- for free schools and academies, by the academy trust.

### **How many days should the school be open for teaching?**

The Education (School Day and School Year) (England) Regulations 1999 (SI 1999 No. 3181) requires schools to have at least 380 half-day sessions (190 days) in each school year, beginning with the first term to start after July. This is consistent with the 195 days a year required by a teacher's statutory conditions of service: the additional five days are for in-service training (known as INSET days).

If a school is prevented from meeting for one or more sessions because of an unavoidable event, it should find a practical way of holding extra sessions. If it cannot find a practical way of doing this then it is not required to make up the lost sessions.

If schools want to reduce the number of days they have to meet, they can make an application to the Secretary of State asking for a temporary exemption from the requirements of the legislation using the power to innovate

The law regulating the school day and school year applies only to schools maintained by a local authority and special schools not maintained by a local authority. This law does not apply to academies and free schools.

### **Who sets a school's INSET days?**

The governing body of a school is responsible for setting five INSET days out of the school calendar. The school should communicate this information to parents – via such channels as a letter and/or school newsletter and also publish it on the school website. They should also provide this information to their local authority.

### **What are the principles of the Cheshire West and Chester (CWAC) standardised school year?**

This standardised pattern was adopted by Cheshire West and Chester Council in September 2013 following a formal consultation exercise.

- All terms to start on a Monday (or a Tuesday if so necessitated by a bank holiday)
- \*October half term to always be the last full week of October\*
- There will always be a break covering the Christmas and the New Year period
- February half term will always be the third full week in February
- Easter Break will be renamed the Spring Break and will always be the first two full weeks in April

- Easter will always be observed via the bank holidays for Good Friday and Easter Monday
- The summer half term break will be one week across all primary, secondary and special schools and will normally include the late May bank holiday Monday
- Where a school is open to pupils for part of a week, this will be for a minimum of three school days (to encourage attendance)
- The five INSET teacher training days are all to be designated by the individual school governing body, but there will be no more than two days (in any one term) set consecutively for this purpose.

\*Following discussions at the start of 2015 between the local authority and head teacher colleagues, it was agreed that the pattern be slightly altered (currently up until 2019). School heads wished to make the autumn half term one week later than recommended by the standardised pattern, in order to make the second half term of the autumn term the shorter one for pupils i.e. an eight/seven week split. As such, it was agreed to amend the principle of always having October half term to be the last full week in October. By coming to this mutual agreement it is hoped it will encourage as many schools as possible within the Borough to adopt the pattern and therefore ensure greater consistency for families.\*

### **Why are CWAC dates different to some other local authorities?**

The government believes that decisions regarding term dates are best taken locally by those affected. Cheshire West and Chester Council used to be part of the Learn Together Partnership (LTP) (now disbanded). The LTP consisted of the Cheshire and Merseyside local authorities, namely: Cheshire West and Chester Council, Cheshire East Council, Wirral Council, Liverpool City Council, Sefton Council, Knowsley Council, St Helen's Council, Warrington Borough Council and Halton Borough Council. The Learn Together Partnership originally worked together to have the same standardised school year across all their authorities.

However, the council is aware that by following the standardised school year recommended by the LTP, this may mean that CWAC dates differ from those of other neighbouring authorities, such as Flintshire, Shropshire and Staffordshire.

### **Why do some authorities allow a two week break at summer half term?**

Historically some voluntary aided and foundation schools have taken a two week break at Pentecost (also known as Whit/Whitsun/Whitsunday), due to the religious nature of the holiday. The governing bodies of voluntary aided and foundation schools are able to set their own holiday dates. Some local authorities, however, also agree to their maintained schools having two weeks at summer half term break, for example, Cheshire East Council.

CWAC community and voluntary controlled schools should follow the dates recommended by the local authority and the standardised year adopted by CWAC does not allow a fortnight's break at summer half term.

## **What happens when a community or voluntary controlled school does not follow the dates set by the local authority?**

CWAC sets the school term and holiday dates for all community and voluntary controlled schools, community special schools and maintained nursery schools. In the interests of consistency for all parents across the borough, it recommends that all CWAC schools follow the same dates. Where the governing body of a community or voluntary controlled school selects dates that are different to those of the local authority, they will need to obtain prior permission from the Director of Education. Only in exceptional circumstances will a school be allowed to set different dates to those recommended.

## **What is the situation with regard to the length of the school day?**

'DfEE Circular 7/90' set out the following suggested minimum weekly teaching times as a guide for schools:

Age 5-7	21 hours
Age 8-11	23.5 hours
Age 12-16	24 hours

The above guidance does not outline the standard minimum hours to be operated by schools. It stands as non-statutory guidance and has advisory status only.

Every school day must have two sessions divided by a break. The length of each session, break and the school day is determined by the school's governing body. The governing body has the power to revise the length of the school day as it sees fit. There is no requirement to consult parents on revisions to the school day.

## **What is the process for changing the length of the school day and who is responsible?**

The governing body of a school is responsible for making the decision and for communicating it to parents/carers. The DfE currently doesn't have any guidance on consultation or notice period before implementation. The DfE would expect individual schools to decide this themselves, taking into account the change itself and those who will be affected (eg changes to start/finish times that would have a wider effect on transport/school bus arrangements would need longer timings than a small change). This is the same for other non-maintained schools.

## **What is the Deregulation Act 2015?**

Deregulation Act 2015 (Schedule 16, schools: reduction of burdens, para 3: determining school terms)

During 2014 there was a Deregulation Bill being progressed through Parliament, which proposed that **all** schools, regardless of category, would have the ability to determine their own term dates. The Bill became an Act after receiving Royal Assent on 26 March 2015. However, due to mixed messages nationally with regards to whether the Act, or any part of it, has since been rescinded, the council sought clarification from the Department for Education (DfE) on this matter who confirmed that the provision in the

Deregulation Act 2015, schedule 16 (para 3) which gives the governing bodies of community, voluntary controlled, community special schools, and maintained nursery schools in England the responsibility for setting their own school term and holiday dates **will not be commenced**. These schools will **not** therefore be given the power to set their own term dates and are required to adopt the dates stipulated by the local authority.

The legislation was part of a drive to reduce unnecessary burdens on schools. The DfE informally consulted with a wide range of stakeholders both before and during the passage of the Deregulation Bill. DfE confirmed responses were mixed with some supporting the move and others expressing reservations. DfE reflected on the concerns raised and also noted there was not a significant response from maintained schools to suggest they wanted this freedom. In the light of this, DfE concluded that it would not be appropriate to commence with widening this to those maintained schools.

### **When can my child miss school?**

You can only allow your child to miss school if either:

- they are too ill to go in, or
- you have obtained advance permission from the school.

There is extra support from the school/local authority if your child cannot go to school for long periods because of a health problem. In the first instance, please contact your school.

You have to get permission from the head teacher if you want to take your child out of school during term time.

You can only do this if:

- you make an application to the head teacher in advance (as a parent the child normally lives with)
- there are exceptional circumstances.

It is up to the head teacher how many days your child can be away from school if leave is granted.

You can be fined for taking your child on holiday during term time without the school's permission (please see the DfE website for further information about the fines process).

### **Where can I find more information about the legislation mentioned in this FAQs document?**

Relevant legislation can be found on [www.legislation.gov.uk](http://www.legislation.gov.uk)

- The Education Act 2002 - section 32
- The Education Act 1996 – section 551(1)
- The Education (School Day and School Year) (England) Regulations 1999
- The Changing of School Session Times (England) (Revocation) Regulations 2011
- The Deregulation Act 2015 - schedule 16 (3)

Other information can be found on the DfE website and in the advice document:

- School attendance: departmental advice for maintained schools, academies, independent schools and local authorities (October 2014)