

## IMPORTANT

- The information we provide on our rights4children website is for general guidance. It is not legal advice.
- If you need legal advice, please contact an independent advocate or a solicitor.
- Article 39 tries its best to make sure information is accurate and up-to-date. However, we cannot guarantee this. We'd appreciate you letting us know if you notice any errors or out-of-date information: [info@article39.org.uk](mailto:info@article39.org.uk)

## Holidays

- + Our country's first law to give people the right to holidays from work was passed in 1871!
- + Children and young people have the right to time off from school and college too. This applies wherever you live.
- + On top of normal days off school or college, in "special circumstances" head teachers can agree time off for a child or young person to go on holiday. This should not last more than 10 days, unless there are "exceptional circumstances".<sup>1</sup>



## Your rights – general

If you are locked up for crime or immigration reasons, it is extremely unlikely you will be able to leave to have a holiday. The only possible reason would be on compassionate grounds – because a close family member is seriously ill, for example.

Children and young people living in other places – children's homes, schools or hospitals – should be able to have a holiday with family members, foster carers or their children's home or school. Holidays with friends may also be possible, depending on your age, maturity and circumstances.

Holidays should only be ruled out for safety reasons – for example, if you are too poorly to travel or the people you want to go on holiday would not look after you well, or have hurt you or other children in the past.

If you have been told you cannot go on holiday, you have the right to know why and to be able to question the decision.

Decisions about holidays should be taken one at a time. For example, it might not be safe for you to go on holiday this year, or with particular people, but it could be safe a different time, or with different people. The holiday you want to go on will also be relevant – a weekend camping trip is different from a month travelling around Europe!

If you are living in care, and your school is organising a trip abroad, your social worker and council should do their very best to help you take part. You should never miss out on things at school just because you are in care. If a council is looking after you because your parents need some support, the law says the council can give help so you and your family can have a holiday together.<sup>2</sup>

If you have any questions about holidays, please talk to a member of staff. Or you can ask an advocate to help you put your views across.

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1 Regulation 7, The Education (Pupil Registration) (England) Regulations 2006. See also: Department for Education (2016) School attendance. Guidance for maintained schools, academies, independent schools and local authorities.

2 Paragraph 8A Schedule 2 Children Act 1989.