

School Attendance

Missing Education and Child Employment Service

Legal Information for Parents and Carers

The Education Act 1996

By law – all children of compulsory school age must receive an appropriate full time education suitable to their age, ability, aptitude or any special educational needs they may have. The school starting date is the beginning of the term after which the child reaches their 5th birthday. The school leaving date is the last Friday in June of the academic year in which the child reaches their 16th birthday.

Parents / Carers – are responsible for

- registering their child at a school or making other arrangement which provide an efficient education
- ensuring their child attends school regularly at the school at which they are registered
- applying for a planned absence or leave from school
- notifying the school when their child is absent unexpectedly

Schools – must either

- give permission for your child to be absent from school
- mark unexpected absences as authorised
- or mark the absence as unauthorised

The Law – says that parents/carers whose children are absent from school without good reason are committing an offence.

Your child – has been referred to the Missing Education and Child Employment Service (MECES) because the school is concerned about the level of their attendance.

Warning Letters and School Attendance Meetings

Depending upon individual circumstances, the CSAS may send you a letter warning that if there are further unauthorised absences you will be issued with a penalty notice. Or you could be invited to attend a School Attendance Meeting (SAM) chaired by an officer from MECE. The School Attendance Meeting is a formal meeting and parent/carers are provided with a warning letter and cautioned that if there are further unauthorised absences following the SAM, a penalty notice will be issued.

Legal action available to Local Authorities includes

Penalty Notices

Issued to each parent for each child for the sum of £60 to be paid within 21 days. If the penalty is not paid within this time it will increase to £120 which must be paid within the following 7 days (a total of 28 days from issue). If the higher payment is not paid the Missing Education and Child Employment Service will instigate legal proceedings. There is no right of appeal.

Prosecution

In the magistrates court under section 444(1) of the Education Act 1996. This offence carries a fine of up to £1000 for each parent

Or

In the magistrates court under section 444(1A) of the Education Act 1996. This offence carries a fine up to £2,500 and/or a 3 months custodial sentence for each parent if it is found that you knew about your child's absences and failed, without reasonable justification, to ensure attendance.

If you fail to attend court for the hearing the matter may either be dealt with in your absence or, occasionally, a warrant issued for your arrest. The magistrates will sentence you in accordance with their sentencing powers.

The magistrates may also consider imposing a Parenting Order which consists of two elements; a core element requiring the parent to attend guidance sessions to help them in dealing with their children and a control element requiring a parent to exercise control over ensuring attendance and communications with the relevant authorities.

Education Supervision Order (ESO)

Applied through the family court under the Children Act 1989 section 36. Such an order allows a supervising officer, appointed by the court, to provide advice, guidance and give directions to you and/or your child aimed at ensuring regular school attendance. If you do not comply with a reasonable direction you may be prosecuted for breaching the Order and you may also be prosecuted for failing to ensure regular school attendance.

Defences to non-school attendance

The legal reasons (defences) for non-school attendance are –

- The child is prevented from attending school due to sickness or other unplanned or unavoidable causes.
- The child is absent due to a day of religious observance in the parent's/carer's religion
- The school has granted and authorised the leave
- The child lives more than 2 miles if under 8 years or 3 miles if over 8 years from the school and the local authority has failed to provide transport. It is not a defence where parents have chosen to register a child at a school outside the catchment area and no transport has been provided.