

The Importance of Attendance

At Outwood Grange Academy, we strive to provide the best education and subsequent life chances for all our students. Good attendance is vital to ensure that every student achieves his/her full potential. Missing out on lessons leaves children vulnerable to falling behind their peers. The Academy will promote good attendance and support where an improvement is required. The Academy has a responsibility to promote good attendance and reduce absence and we work together with the Local Authority to ensure that parents/carers fulfill their responsibility. There are a range of legal sanctions that may be used for dealing with unauthorised absence. All sanctions are used to improve school attendance.

Fast-Track to Attendance Process

Students' attendance is closely monitored. If a concern is raised, we will contact parents/carers and students to work together using a range of strategies to help improve attendance. If there is no improvement following this intervention, the Fast-Track Process may be the most appropriate action to bring about a timely improvement in school attendance. A Fast-Track Panel meeting will be held and parents/carers will be invited to attend. An action plan will be drawn up at this meeting and parents/carers will be notified that a Penalty Notice (fine) may be issued if no improvement is made following an initial 4-week review period.



Relevant Legislation

- The Education Act 1996
- The Education (Pupil Registration)(England) Regulations 2006 as amended
- The Anti-Social Behaviour Act 2003
- The Education (Penalty Notices)(England) Regulations 2007 as amended
- The Education (Parenting Contracts and Parenting Orders)(England) Regulations 2007
- The Education and Inspections Act 2006
- Crime and Disorder Act 1998
- The Children Act 1989

Further Information

www.gov.uk/school-attendance-absence

www.wakefield.gov.uk

www.bbc.co.uk/schools/parents/school_attendance

www.ace-ed.org.uk/advice/attendance

Contact

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LEGAL MEASURES TO IMPROVE SCHOOL ATTENDANCE



A Guide for Parents/Carers

The Legislation

Parental Responsibility

The Education Act 1996 places responsibility on parents to ensure their child receives a suitable full-time education. Where a child is on the roll of the Academy, this parental responsibility is to ensure the regular school attendance of their child(ren).

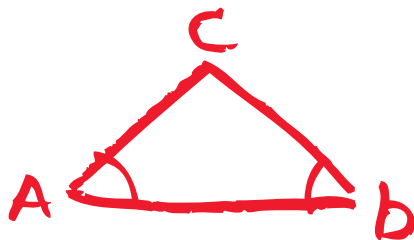
Where a child fails to attend regularly and/or is absent without authorisation, the parents may be guilty of an offence.

Definition of 'Parent'

For the purposes of non-school attendance, the term 'parent' means all natural parents whether they are married or not; any person who has parental responsibility for a child; and any person who has day to day care of a child.

The Offence

The consequences of a parent's failure to ensure their child's regular school attendance are that the case could end up in Court under Section 444 of the Education Act 1996 which has two linked offences: 444 (1) - where a parent fails to secure their child's regular school attendance; and 444(1A) - where a parent knows that the child is failing to attend school regularly and fails to ensure the child does so.



Sentencing Options

Fines available to the Court if parents are found guilty: Section 444 (1) is a fine of up to £1000;

Section 444 (1A) is a fine of up to £2500 and/or imprisonment for up to 3 months.

There are other sentences at the disposal of the Courts: absolute discharge; conditional discharge; community order; or custodial sentence,

Penalty Notices (PNs)

Penalty Notices are an alternative to the prosecution of parents in the Magistrates Court for failure to ensure the regular school attendance of their child. PNs can also be used in cases of unauthorised leave of absence. PNs are fines of £60 per parent for each child if paid within 21 days; rising to £120 if paid after 21 days but within 28 days. If the PN remains unpaid after 28 days, the Local Authority may prosecute parents in the Magistrates Court for the original offence of failing to ensure regular school attendance.

Payment of a penalty notice discharges any liability to conviction for the offence under section 444 to which the notice relates.

There is no right of appeal against a PN.

PNs may also be issued where an excluded child is found in a public place during school hours without reasonable justification.

Prosecution

Prosecution is a planned intervention where appropriate. Local Authorities (LAs) have the power to prosecute parents who may be guilty of an offence of failing to ensure their child's regular school attendance.

Local Authorities also have the power to prosecute parents of pupils found in a public place during school hours after being excluded from school. A fine of up to £1000 may be imposed if found guilty.

Education Supervision Order (ESO)

A LA may apply to the Courts for an ESO instead of, or as well as, prosecuting parents. The Order is placed on the child and the LA is appointed by the Court, usually for a specified period of time, to advise, support and give directions to the supervised child and their parents to ensure the child is properly educated.

Parenting Contracts and Orders

Parenting Contracts were introduced by section 19 of the Anti-social Behaviour Act 2003 and can be used in cases of irregular school attendance or misbehaviour. It is a formal, written, signed agreement between the parents and the school. It is voluntary but any non-compliance may be used in evidence in Court where an application is made for a Parenting Order.

A Parenting Order is imposed by the Court following conviction of an offence. Parents' agreement is not required. Parents subject to an Order must comply with the requirements specified in the Order and will also be required to attend counselling or guidance (e.g. parenting/education classes) where they will receive help and support to improve their child's attendance.