

School attendance and the law

Please visit <http://www.legislation.gov.uk/ukpga/1996/56/contents> to read the full Education Act 1996. We've included the key parts here;

It is the parent/carers responsibility to make sure your child is getting a suitable full-time education.

Under Section 7 of the Education Act 1996 it is the duty of parents/carers to secure education of children of compulsory school age. It states that;

“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

- (a) to his age, ability and aptitude, and
 - (b) to any special educational needs he may have,
- either by regular attendance at school or otherwise.”

If your child is a registered student at a school, it is the parent/carers responsibility to make sure their child attends regularly.

Section 444 (1) of the Education Act, 1996 states that:

“If a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school, his (her) parent is guilty of an offence.”

The local authority has the power to take the following legal proceedings against a parent/carer for failure to comply with the law;

- A Penalty Notice payable of a **£60 or £120 fine**.
- Prosecution under s444(1) Education Act 1996 - If the child is absent without authorisation then the parent/carer is guilty of an offence. This is a strict liability offence i.e. all that needs to be shown is a lack of regular attendance. Sanctions can include a fine of up to £1,000.
- Prosecution under s444(1)(a) Education Act 1996 – This is an aggravated offence. If the child is absent without authorisation and the parent knew about the child's absence and failed to act then the parent is guilty of an offence. Sanctions can include a fine of up to £2,500 and a prison sentence of up to 3 months

In education law, a parent means anyone who has care of a child.

Section 576 Education Act 1996 states;

“In this Act, unless the context otherwise requires, “parent”, in relation to a child or young person, includes any person—

- (a) who is not a parent of his but who has parental responsibility for him, or
- (b) who has care of him.”

It uses the Children Act, 1989 definition of parental responsibility;

“In this Act “parental responsibility” means all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property.”

What does this mean?

It means that in education law the following people are legally responsible for a child's education;

- All natural parents, whether they are married or not;
- Any person who has parental responsibility for a child or young person; and,
- Any person who has care of a child or young person i.e. lives with and looks after the child.

The local authority and school will need to decide who comes within the definition of parent in respect of a particular pupil when using the legal measures, but generally parents include all those with day to day responsibility for a child. Therefore all these people have the duty to ensure a child of compulsory school age receives a suitable education.