



MANCHESTER
CITY COUNCIL

Guidance for parents

Use of prosecutions following unauthorised absence from school

Legal proceedings

Legal proceedings are a statutory intervention used by the local authority against the parents of registered pupils who fail to attend regularly at school.

Parents whose children are on a school register and who fail to ensure the regular and punctual attendance of their child(ren) may be guilty of an offence under Section 444 or 444(1A) of the Education Act 1996 and the authority may take enforcement action through the courts to secure regular attendance.

Legal proceedings are not used as a punishment to parents for their pupil's absence from school; they are a supportive measure intended to make parents realise the importance of attendance and to avoid further absence from school.

Circumstances for prosecuting

Not ensuring the regular and punctual attendance of your child(ren).

Parental responsibility

A prosecution can take place against any person who has parental responsibility for the child's education.

For the purposes of ensuring regular attendance, a **parent** is defined under **Section 576 of the Education Act 1996** as:

all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.

Court disposals following conviction

There is a range of options available for magistrates following a conviction of a parent for failing to ensure the regular attendance at school of their child(ren). Each parent could be:

1. Fined up to £2,500
2. Given up to three months' imprisonment
3. Given a community sentence
4. Made subject to a parenting order
5. Ordered to pay costs to the Council

Parenting Order

A Parenting Order is a disposal the court can make following a conviction for an offence under Section 443 or 444 of the Education Act 1996. The court must be satisfied that the Order would be desirable in the interests of preventing the commission of any further offence under those sections.

A Parenting Order is an ancillary order and is not a sentence in its own right, and if given, it will be in addition to any other penalty imposed. Within the Parenting Order the courts can require the parents to attend parenting classes or a parenting group, which would be a supportive and enabling condition. You must exercise control over your child and make sure that attendance at school is regular and punctual; you must also comply with any court-imposed conditions and requests from your Supervising Officer.

Statutory defences

A child registered at school can only be absent from school for a very limited number of reasons. In law they are called statutory defences, which are:

1. When the child is ill or prevented from attending by an unavoidable cause
2. The pupil's absence was authorised by the school or, in the case of alternative provision, by a person authorised to grant leave by the school or the authority (as appropriate)
3. The absence was on a day exclusively set aside for religious observance by the religious body the parent belongs to
4. The school is not within walking distance* of the child's home and the local authority has made no suitable arrangements for:
 - a. the child's transport to and from school (unless it is a non-qualifying independent school)
 - b. boarding accommodation at or near the school
 - c. enabling the child to attend a school nearer their home

* Walking distance:

high schools – 3 miles; primary schools – 2 miles

The law on school attendance

Parents have a legal duty to make sure that their children are properly educated. It is the parents responsibility to ensure that their children attend school regularly and arrive on time.

If you allow your child to be absent from school without good reason, the school will not authorise the absence, you will be committing an offence, and you could be issued with a penalty notice or prosecuted.

Support for parents and pupils

If you need help to support your child's attendance, you should contact the school as soon as possible to discuss your concerns and any problems you are having. They will assist you in trying to resolve any issues affecting your child's attendance at school; they may also be able to get some help from a support service or other agency that can assist you with your difficulties.

For information in your language call 0161 234 5001

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Za informacije na vašem jeziku, nazovite 0161 234 5001

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