

Who else will be at the court hearing?

- The case will be managed by a Clerk of The Court and will be heard by up to three magistrates. Your child's attendance records and any other supporting evidence will be presented by a solicitor acting for Wigan Council. A representative from the Education Welfare Service will normally be available in the court and may sometimes be called upon to provide more information if needed.

What if you're found guilty?

- If found guilty, each parent or carer of the child may be fined up to £2500.
- The court can also give you a Parenting Order which involves attending parent support sessions run by the Education Welfare Service for a period of six to eight weeks
- You may even (in certain circumstances) receive a prison sentence of up to three months.
- The court or local authority can also order the child to be brought before the Family Proceedings Court.

For more information on the issues covered by this leaflet or to receive a copy of any of our other leaflets, please contact us at:

**Education Welfare Service,
Wigan Investment Centre
Waterside Drive
Wigan
WN3 5BA
Tel: 01942 705405**



Other leaflets available:

- Holidays in term time
- Penalty notices for non-attendance at school: information and advice for parents and carers
- The importance of your child's attendance at school

We can make this information available in other formats and languages on request. Contact us at the above address for more details.

Legal proceedings for school non-attendance

Information for parents and carers



Regular attendance at school can help your child get the most out of their education, giving them a good start in life, which hopefully will lead to a successful future.

- Under Section 444 of the 1996 Education Act, it is your responsibility to make sure that your child attends school regularly and is on time.
- We understand that sometimes your child may have problems which can be sensitive and complex, for example illness, family circumstances, emotional and social issues (for example bullying). Some of these issues may result in them missing school on a regular basis.
- Each school has an Education Welfare Officer who will try to work with you to help you support your child to increase their attendance. If however, your child fails to improve their attendance and continues to miss school on a regular basis, depending on the circumstances, you may be taken to court and prosecuted or you may be issued with a Penalty Notice. For more information on Penalty Notices, ask the Education Welfare Service for a copy of the leaflet 'Penalty Notices'.

If you're taken to court...

The 1996 Education Act states that there are four areas in which you can defend the charges. These are -

If your child:

- Is ill or was prevented from attending school by an unavoidable cause (or emergency). If you are ill or the 'unavoidable' cause relates to you, it isn't considered a valid reason for your child not to attend school.
- Lives over a certain distance and the local authority (or council) either hasn't been able to help you register your child at a school nearer to where you and your child live or hasn't helped organise suitable transport to and from school.
- Misses school to observe (or respect) specific religious dates in your particular faith.
- Has received permission from the school to be absent. This is known as 'authorised absence'. As a parent or carer you are not automatically allowed to take your child out of school during term time, for example if you want to take them on holiday. You must apply to the school's headteacher and provide them with special reasons why they should authorise your child's absence.

If you aren't able to offer one of the above four reasons in your defence, you will be considered to have committed 'an absolute offence' and will be judged to be guilty of failing to ensure that your child attended school regularly and on time.

What if there are 'mitigating circumstances'?

- If you're found guilty or plead guilty under Section 444 of the 1996 Education Act, you will be allowed to offer information to the court 'in mitigation'. This means that you have the chance to explain to the court the reasons for your child's absence from school, any difficulties you might be having and what you've done to try to improve your child's attendance.

Getting legal advice

- If you're taken to court, you can ask a solicitor to support you and speak up for you when the case comes to court. The solicitor will tell you how much they charge and if you might be able to get help with their costs (through legal aid). A duty solicitor is sometimes also available in court to help you.