- You or your legal representative will then be able to address the Magistrates and explain any reasons why your child has not attended school regularly. Magistrates cannot take a view on whether an absence should have been authorised, only a head teacher has that discretion.
- The Magistrates will then decide how they intend to deal with the case.

Possible outcomes
Should you have pleaded guilty or be found guilty, the sentencing/disposal options available to the Magistrates are:

- **A fine** of up to £2,500 each parent.
- **A conditional discharge** – You will be given a set amount of time in which to improve your child's attendance. Should you fail the County Council may bring a further prosecution against you and, if found guilty you will be sentenced for both offences.
- **An absolute discharge** – The case is proved but you will not be subject to a penalty, although you will receive a criminal conviction.
- **Deferred sentence** – A new Court date will be arranged, during which time you will be expected to have taken steps to improve your child's school attendance. Sentence will be passed at this new hearing.

- **Imprisonment** - Only for the more serious (aggravated) offence and repeat offenders. It can be for up to 3 months.
- **Parenting order** – The Magistrates may order you to attend parenting classes.

Education supervision order
The Court may also direct that the County Council consider making an application for an Education Supervision Order (ESO).
The Local Authority may also decide on this option as an alternative to prosecution.

Applications for ESOs are heard in the Family Court, and if granted you and your child will be directed by the Court to co-operate with the County Council to ensure that your child attends school regularly.

What happens next?
Regardless of the outcome in Court, you will continue to receive support from the school to ensure that your child attends regularly.
Should your child return to school and attend regularly, no further legal action will be taken against you.

If you would like a copy of this leaflet on audio cassette or in Braille, large print or other languages please contact us.

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Cambridgeshire County Council

Non-School Attendance and The Law

A Guide for Parents/Carers

September 2020

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Introduction
Parents have a legal duty to ensure that their child receives an education suitable to his/her age, ability and aptitude and any special needs. Most parents fulfill their legal obligation by registering their child in a school.

Local Authority Attendance Officers (LAAO) carry out the duty of the Authority to ensure that all children receive an education by regular school attendance. This is carried out by offering consultation meetings and audits to schools and carrying out investigations to enforce legal actions where appropriate.

School attendance order
Should you fail to register your child at a school and not make suitable alternative education arrangements, the County Council may issue a School Attendance Order requiring you to register your child at a named school.

Non attendance at school
Please note that all Cambridgeshire Academies will have their own arrangements to manage poor attendance. Local Authority Attendance Officers offer advice and support to schools and carry out investigations into non-school attendance offences.

Failure to ensure a child's regular attendance at school is a criminal offence. The school will try to work with you and your child to improve school attendance.

A formal ***Parenting Contract meeting*** will be held. The Purpose of this will be to look at issues preventing regular school attendance and put together an action plan to make improvements. If with support from the school your child's attendance fails to improve, the case will be referred to Local Authority who will consider one of two courses of action:

1. Penalty Notice
As an alternative to prosecution, parents may be subject to a Penalty fine of £120 (reducing to £60 if paid within 21 days).
Failing to pay the fine within 28 days will result in prosecution and if convicted you will gain criminal record.

2. Prosecution in the Magistrate court

The prosecution process:
Investigation
Having received an appropriate referral from the school, the LAAO will carry out an investigation and gather evidence to establish if an offence has been committed under the Education Act 1996.

The PACE interview
Should your child's attendance fail to improve, in spite of help from the school and any other professionals involved as appropriate, you may be invited to attend a PACE interview (Police and Criminal Evidence Act 1984) or may proceed straight to Penalty Notice fine or prosecution.

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- Before the meeting begins, you will be **formally cautioned** under the Police and Criminal Evidence Act 1984.(PACE)
- You will be asked a set of questions under formal caution. The aim of this interview will be to establish if an offence has been committed under The Education Act 1996.
- If you wish, you may have a legal representative at this meeting.

Court
- Should the County Council decide to take Legal action against you, you will be served with a summons to appear before a Magistrates Court. You will receive a copy of the statement of the LAAO and possibly a member of school staff, and any supporting documents ("Exhibits").
- Should you fail to attend, the court may consider issuing a warrant for your arrest or decide to hear the case in your absence.
- The case will be heard by the Magistrates. A Court Usher will be available to help you with the process.
- The Court Legal Advisor will read the charge. You will be asked to plead 'Guilty' or 'Not Guilty'. Should you plead not guilty, the case will be adjourned to a future date for a Trial. Should you plead guilty, the case will be heard immediately.
- If the case progress to a Trial, The Court will first hear the evidence from the Prosecution.

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