

What are the consequences of persistent absence?

If a parent or carer fails to secure their child's regular attendance at school, they could be found guilty of a criminal offence under section 444 of the Education Act 1996. As part of the criminal investigation, parents or carers may be interviewed under caution. In accordance with the Police and Criminal Evidence Act 1984, this may be recorded and could be used as evidence in court. The parents or carers may be subject to legal proceedings in the magistrates court.

What are the outcomes of legal proceedings?

If you are found guilty, magistrates can impose a fine of up to £2,500 and/or three months imprisonment.

Parents or carers may also be ordered to pay substantial legal costs. If convicted, parents and carers could get a criminal record.

The court also has the power to direct the child to be brought before a family court. Statutory defences include:

- School grants leave of absence
- Sickness/unavoidable cause
- Day exclusively set apart for religious observance.

We would like to emphasise that most local authorities only use legal proceedings as a last resort.

[OAT]
Ormiston Academies Trust

Ormiston Academies Trust

T: 0121 236 5100

E: info@ormistonacademies.co.uk

W: ormistonacademiestrust.co.uk

EVERY SCHOOL DAY MATTERS

Persistent absence: a guide
for parents and carers

