



ADVICE FOR PARENTS FACING PROSECUTION FOR NON SCHOOL ATTENDANCE

Information for parents who have received a summons

If you, as a parent, are prosecuted for failing to ensure your child's regular school attendance, you will be sent a summons stating the time, date and place of the court hearing. You will be provided with copies of the prosecution evidence including witness statements made to support the proceedings. You will be asked at court if you intend to plead guilty or not guilty. If legal advice is required this should be sought prior to the hearing to avoid the need for adjournments.

On the day of the hearing you should arrive on time and report to the court's reception. If you have any questions regarding the proceedings or cannot attend on the date arranged you must contact the court beforehand. If an interpreter is needed this must be requested in advance and the court will make this provision.

Information for parents who have received a Single Justice Procedure Notice

Instead of issuing a summons under S 444 (1) Education Act 1996, the Local Authority can issue a Single Justice Procedure (SJP) notice. This involves serving the parents with a SJP notice which contains details of the offence (child, school, dates of birth, dates of offence), statement of witness and evidence of the child's absence. Parents must reply to the court indicating what their plea is. Where a parent pleads guilty, or the offence is proved in their absence (for example where a parent fails to notify the court of their plea) the case can be dealt with by a Magistrate and Legal Advisor **without the need for any party to attend court**. Where a parent pleads not guilty, or wants to attend court personally for their hearing, the parent must notify the court of this, and the case will be put in a Magistrates Court list and given a court date where all parties must attend court.

Sentencing

If you are pleading guilty or are found guilty you are liable to a fine of up to £1,000 for each offence under **Section 444(1) Education Act 1996**.

If it is proved that you knew that your child was not attending school regularly and there is no justifiable reason, the Court may find you guilty of an offence under **Section 444 (1) (a) Education Act 1996**. In this case a fine of up to £2,500 may be imposed and/or a term of imprisonment not exceeding 3 months. The court can also impose other penalties, such as a **Parenting Order** or a **Community Order**.

Costs may also be awarded against you. Fines and costs are collected at a rate linked to income. Magistrates sometimes issue a **Conditional Discharge** which means that if you commit a further offence during the period for which the Conditional Discharge is imposed you could be given a penalty for the original offence as well as the current offence.

The Magistrates may also defer sentence for a period of time so that school attendance can be monitored and taken into account when sentence is passed.

Education Supervision Order (ESO)

The court may request that the local authority consider applying for an ESO but this will always have been considered as an option by the Inclusion Officer and his/her manager prior to prosecution.

An ESO empowers the IO to give directions to parents and children in order to secure regular school attendance. Application for an ESO is an alternative to prosecution and the hearing would be held in the Family Law Court.