

Attendance Advice and Guidance for Parents/Carers

Who is a parent?

Section 576 of the Education Act 1996 defines parent as:

- All natural parents, whether married or not;
- Any person who, although not a natural parent, has parental responsibility for a child or young person;
- 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.

Responsibilities of a parent:

By law, all children of compulsory school age must receive a suitable full-time education. As a parent, you have a legal responsibility to make sure that this happens – whether by registering your child at a school, or by making other arrangements to give them a suitable, full-time education. Once your child is registered at a school, you are legally responsible for making sure that they attend regularly.

The 1996 Education Act states that:

“the parents of every child of compulsory school age shall cause him to receive efficient full-time education suitable –

a) To his/her age, ability and aptitude and

b) To any special educational needs he may have, either by regular school attendance or otherwise”

Failure to do so may result in parents receiving a Penalty Notice fine. The first penalty notice issued to a parent will be charged at £80 if paid within 21 days. This will be increased to £160 if paid within 28 days. A second penalty notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days. A third penalty notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. In a case where the national threshold is met for a third time (or subsequent times) within those 3 years, alternative action will be taken instead.

If a penalty notice is not paid then the Parents may be prosecuted in the Magistrates Court. In some cases, a Penalty notice will not be offered at all and the matter referred immediately for Prosecution. Upon conviction the following sentences can be imposed:

- Fines of up to £2500 AND/OR
- 3 months imprisonment AND/OR
- A Parenting Order

You must make sure your child gets a full-time education that meets their needs (for example if they have special educational needs). You can send your child to school or educate them yourself, see: [EHE Pages](#)

If your child has Special Educational Needs and you require independent advice please contact SENDIASS

Children must get an education between the school term after their 5th birthday and the last Friday in June in the school year they turn 16.

You can be prosecuted if you don't give your child an education. You will get warnings and offers of help from the school and the Education Welfare Service first.

[Department for Education Guidance](#)