

Glasgow City Council Education Services



A Positive Approach to the Promotion of Attendance in Glasgow Schools

Parent/Carer Information Leaflet

Glasgow City Council Education Services is committed to improving the life chances of all our young people. For children and young people to succeed in education they need to attend school to access the learning and support that will help them to achieve and attain. Parents/carers working together with schools is in the best interest of children and young people. Your child's school will have invited you to meetings to discuss the best possible supports your family would benefit from to support your child to attend school.

Parent/Carer Responsibilities

As the parent/carer of the child you are legally responsible to provide an education for your child. If you have not engaged with the school to discuss and implement ways to support and improve your child's attendance you will be invited to a Maximising Attendance Meeting at this school. We understand that there can be occasions when it can be difficult to ensure your child attends school regularly and there can be reasonable excuses as to why a child cannot attend school. There may be information that the school is not aware of that you could share. It is in your interest to attend this meeting to explain the reasons for your child's nonattendance and to discuss ways to support your child's attendance at school. If you fail to attend this meeting or satisfy the school that there is a reasonable excuse for your child's non-attendance at school, the school may issue you with an Attendance Order. The school Senior Leadership Team will decide if you have a reasonable excuse for your child not attending school.

What Is An Attendance Order?

An Attendance Order is a legal document that:

- Requires the parent to ensure the attendance of the child or young person at a school named in the order.
- Requires that the views of the parent on which school should be named should be considered by the authority.
- May name a public school, or other school which is willing to receive the child or young person. A school at which the parent will be required to pay fees will not be named within the order unless at the request of the parent.
- Shall not name a special school unless the child or young person has additional support needs requiring specialist support.

Appealing an Attendance Order

Parents/carers can appeal to the Sheriff within fourteen days after the date on which the Order was served. The Sheriff has various options, he can confirm, amend or annul the Order and his decision is final.

Contact details: Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9TW

Parents/carers should comply with the Attendance Order, pending the outcome of any appeal. A pending appeal is not a good reason for failing to send your child to the school named in the Order.

Amendment to Attendance Orders

Parents/carers can make an application to amend an Attendance Order by writing to the school named in the Attendance Order. The school shall amend or revoke the Order in compliance with that request unless they are of the opinion that:

- The proposed change of school is unreasonable or not suitable in the interests of the child, or
- The arrangements made for the education of the child at the other named school are not satisfactory.
- A parent can, within one month after this decision, appeal to the Sheriff who will make a decision. Parents/carers may wish to seek legal representation when making an appeal to the Sheriff. Legal aid may be available for advice and representation.

If the School has refused to comply with a request to amend the order, or have not reached a decision within one month then the parent/carer may appeal to the Sheriff. The Sheriff may give direction as they see fit.

Further information is available from the Scottish Legal Aid Board:

0131 226 7061 open Monday to Friday 8.30am to 5pm

<http://www.slab.org.uk>

The education authority can change the school named on an Attendance Order. For example, if the child moves house the authority may give notice of intention to change the school to the one in the new catchment area. If the parent objects to this change they may express objections within fourteen days of being given the notice to amend the Attendance Order by writing to the Executive Director of Education.

What happens when an Attendance Order is issued?

If an Attendance Order has been issued the case will be reviewed after 6 weeks by the school Senior Leadership Team.

Following this review one of three things will happen:

- The Attendance Order may be kept in place;
- The Attendance Order may be removed;
- Your case may be passed on to the Sheriff Court for prosecution.

Failure to Comply with Attendance Orders

An Attendance Order is issued when all other reasonable avenues have been explored with you and Education Services. It is an offence not to comply with an Attendance Order and your case may be passed on to the Sherriff Officer for prosecution. This can lead to: a fine (not exceeding) £1000; imprisonment (not exceeding one month); or a combination of both.

The Law in Scotland

Parents have a legal responsibility to provide an education for their child until he or she reaches school leaving age (section 30 Education (Scotland) Act 1980).

“It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means.”

The Education (Scotland) Act 1980 allows an education authority to ask a parent/carer to provide an explanation for a child/young person’s non-attendance at school.

The Education (Scotland) Act 1980 allows an education authority to make an application to the Sheriff Court for prosecution if a parent has not complied with an attendance order.

Education (Scotland) Act 1980 Sections 36 & 38

(36) Power of education authority in relation to irregular attendance of child at a public school.

(1) *It shall be the duty of the education authority if they consider that a parent has committed an offence against section 35 of this Act in respect of a child resident in their area, to serve a notice on the parent requiring him, within such time as may be specified in the notice (not being less than forty-eight hours or more than seven days from the service thereof) to appear (with or without the child) before the authority and explain the reason for the absence of the child from school. If the parent fails to satisfy the authority that he had a reasonable excuse, the authority may:*

- a) *Instruct that he be prosecuted forthwith under section 43 of this Act, in the court
of summary jurisdiction in which proceedings may be taken for the offence [...] 2 ; or*
- b) *Report the circumstances to the procurator fiscal or;*
- c) *Warn the parent and postpone for a period not exceeding six weeks a decision as
to whether so to report.*

(2) *Where an education authority in the exercise of the powers conferred upon them by subsection (1) above postpone a decision as to whether to prosecute a parent, they may, if the child is still of school age, make an attendance order in respect of the child in accordance with the provisions of section 38 of this Act requiring the parent to cause the child to attend the public school which he has been attending, or, if the child has changed his residence, a school attended by children residing in the same neighbourhood as the child.*

(3) *Without prejudice to the institution of proceedings for an offence against section 35 of this Act or the exercise of the power conferred by section 44(1) of this Act, where a child of school age has failed to attend a public school regularly, the education authority [, where no requirement arises under [section 60 of the Children's Hearings (Scotland) Act 2011 (asp 1)] 4 to give information about the child to the Principal Reporter, may under this subsection provide the Principal Reporter with such information.] 3*

(38) Making of attendance orders.

(1) *References in sections 36 and 37 of this Act, and in the following provisions of this Act, to an attendance order in respect of a child are references to an order in writing requiring the parent of the child to cause the child to attend a school named in the order, being either a public school, or a school (other than a public school) the managers of which are willing to receive the child.*

(2) *In an attendance order in respect of a child:*

- a) A school at which the parent will be required to pay fees shall not be named except at the request of the parent; and*
- b) A special school shall not be named unless the child [has additional support needs
Requiring the education or special facilities normally provided at the school] 2 .*

(3) *Before making an attendance order under section 36 or 37 of this Act, the education authority shall consider any views expressed by the parent as to the school which he desires his child to attend.*

(4) *The authority shall cause a copy of any attendance order made by them under section 36 or 37 of this Act to be served upon the parent, and it shall thereupon be the duty of the parent, subject to an appeal to the sheriff under subsection (5) below, to cause the child to attend regularly at the school named in the order.*

(5) *A parent aggrieved by the making of an attendance order by an education authority may within fourteen days after the date upon which a copy of the order was served upon him under subsection (4) above appeal against it to the sheriff, who may confirm, vary or annul the order and whose decision shall be final.*