



Southend-on-Sea Borough Council Children & Learning

School Attendance Orders January 2007



SCHOOL ATTENDANCE ORDERS

THE LAW:

(Sections 437-443, Education Act 1996)

A School Attendance Order (SAO) gives a Local Authority (LA) powers to help it ensure that children attend school.

A LA must serve an SAO on the parent of a child of compulsory school age who fails to prove the child is receiving suitable education, and where the authority believe the child should attend school.

The attendance order specified the school (or Pupil Referral Unit) that the child should attend. Failure to comply with an SAO is an offence, unless the parent can prove the child is receiving suitable education outside school. The Order itself has a specified legal format. (flow chart attached)

The procedures allow for:-

- Consultation with the school which is to be nominated (or another affected LA)
- Parents to choose a school, other than the one named by the LA, as the school to be named in the school attendance order
- Appeals by such schools and the LAs to the Secretary of State for a direction if there is disagreement
- Aligning school attendance orders with statements of special education needs

School attendance orders are not intended for pupils who attend irregularly. For these, LAs should consider prosecution or applying for an Education Supervision Order.

THE PROCESS:

School Attendance Orders (SAO) may be used to direct the parent to send their child to a specified school.

An SAO should be used when a pupil is not on roll at any school. These circumstances are likely to arise when:-

- The parent has not registered their child with any primary school
- There is a change of school phase such as transition from primary to secondary school
- The parent has failed to secure a place at the school of their preference and they are faced with options which they view to be unsuitable
- The parent has failed in their duty under arrangements for Education Otherwise and are reluctant to engage with any school

- Children from another Local Authority (LA) move into the area and have been taken off the school roll in their previous LA

SCHOOL ATTENDANCE ORDERS

CHILDREN OUT OF SCHOOL PANEL
 Not placed on school roll
 EOTAS registration forms not returned
 LA unable to evidence suitable education
 Continued unsatisfactory provision

SAO 1 & SAO 2
SAO 1 Letter informing parent of duty to ensure full time, efficient and suitable education
SAO 2 Parent's statement of arrangements
15 working days allowed for response
If no/unsatisfactory response:-

SAO 4, SAO 5 & SAO 6
SAO 4 Letter informing parents of available schools
SAO 5 Notice to parent to select school
SAO 6 Letter to Head teacher and Governing Body
15 working days allowed for response

SAO 8
SAO 8 Warning to parents
15 working days allowed for response

SAO 9
SAO 9 Letter to governing body and school informing of intention to issue SAO naming school

SAO10 & SAO 11
SAO 10 Summons
SAO 11 Certificate of Service

MAGISTRATES COURT

IF THE LA IS SATISFIED THAT SUITABLE PROVISION IS BEING MADE SCHOOL ATTENDANCE ORDER PROCESS CAN CEASE AT ANY STAGE