

Appendix 1

Extract of Education Act 1996 - Section 444 offence - failure to secure regular attendance at school of registered pupil

1) if a child of compulsory school age who is a registered pupil at the School fails to attend regularly at the school, his *parent is guilty of an offence

1A) if in the circumstances mentioned in sub section (1) the parent knows that his child is failing to attend regularly and fails to cause him to do so, he is guilty of an 'aggravated' offence

1B) it is a defence for a person charged with an offence under subsection 1A to prove that he had reasonable justification for failure to cause a child to attend regularly at the school

* The term "parent" means anyone who has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or a young person (Section 576 of the Education Act 1996).

No offence is committed if the parent proves any of the following statutory grounds:

- the pupil was ill or prevented from attending by any unavoidable cause
- the pupils absence was authorised by the school or, in the case of alternative, by a person authorised to grant leave by the school or local authority as appropriate
- the absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
- the local authority are under a duty to provide transport to the school and have failed to do so or in certain circumstances, that the school is not within walking distance of the child's home and the local authority has made no suitable arrangements for; 1) the child's transport to and from school unless it is a non-qualifying independent school 2) enabling a child to attend a school nearer to their home (under the age of 11 years; two miles, above 11 years; three miles)
- if the child is receiving education otherwise than by regular attendance at school
- the parent can show that their trade or business requires them to travel and the child has attended school as regularly as the trade or business permits and if (the child is 6 or over) the child has attended school for at least 200 sessions during the preceding 12 months from the date on which the proceedings were instituted