

School Attendance Orders



SAO's are relatively rare. LEA's usually want to attempt every other avenue first and even where they are issued it does not inevitably mean that you must send your child to school or even that you will be going to court to defend your rights.

Should you be issued with an SAO my advice would be to see a Lawyer who is knowledgeable of home education and the education act. To find such a person you might contact the HE UK mailing list.

An SAO is a School Attendance Order Which is covered under the 1996 Education Act. Section 437-443)

Which says:

"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent..."

The procedure is that if the LEA believe that the parents have failed to provide an education suitable to the child's age, ability and aptitude and any special need's s/he may have [education act 1996 s7] then they may issue an SAO.

The LEA may come to this conclusion under two circumstances. Either the parents have provided evidence which has failed to show to the LEA that they are providing an adequate education or the parents have failed to provide any evidence at all (see the HE guidelines here).

The Order will name a school (which the parents may appeal to change) and offer the parents a period of 15 days to provide further evidence of home education. The Parents may ask the LEA to revoke the order on these grounds.

Should the parents fail to register the child at the named school the LEA may then go on to prosecute them for failure to do so.

However the court will also examine evidence that the parents are offering such an education. The level of evidence required is that which would convince a reasonable person on the balance of probability.

Importantly the court is interested in what is happening at that time, not what was happening when the order was first issued and that it is up to you what evidence you supply and how you supply it.

Body