

Statutory School Attendance Procedures

**School Attendance Order Factsheet
(SAO)**

September 2021

Directorate for Children & Families

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1 RATIONALE

DfE Guidance

1.1 The Statutory School Attendance Procedures School Attendance Order (SAO) Factsheet is produced by Manchester Local Authority from the DfE guidance and government legislation. It is important to refer to this when considering statutory school attendance procedures to ensure full compliance.

1.2 This guidance summarises the legal powers and duties in relation to SAO's that govern school attendance and explains how they apply to local authorities, head teachers, school staff, governing bodies, pupils and parents.

1.3 These requirements are contained in:

- The Education Act 1996 - sections 436A- 443
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016

The Manchester Inclusion Strategy

1.4 The Manchester Inclusion Strategy has been developed to help the Local Authority, early years' settings, schools, Post 16 providers and other services work in a more coherent way to support young people to attend well and/or to reduce the risk of exclusion. The strategy provides an outline of approaches, interventions and services, to support all Manchester settings, schools and Post 16 providers to ensure the needs of all young people are understood and addressed in order to support good attendance and prevent the use of exclusion wherever possible.

1.5 The offer is made of four identified strands of intervention:

Strand 1 – Universal Provision and a whole school/education setting vision and ethos

Strand 2 – Early Identification of children presenting challenging and school refusing behaviours

Strand 3 – Alternative Provision or Specialist Support fully embracing the individual needs of any young person who requires a different kind of support and / or setting

Strand 4 - Ensuring Best Practice in the Use of Exclusion with the aim of reducing the use of fixed term and permanent exclusion for incidents of persistent disruptive behaviour by ensuring that the root causes of such emerging behaviours are understood and appropriately addressed as early as possible through early intervention and innovative multi-agency planning.

The document itself can be found at:

https://secure.manchester.gov.uk/directory_record/376574/manchester_inclusion_strategy/category/1479/childrens_services.

Local Authority Intervention

1.6 Under section 7 of the Education Act 1996 the parent of every child of compulsory school age is under a duty to ensure he/she receive efficient full-time education suitable to his age, ability and aptitude, either by regular attendance at school or otherwise.

1.7 The Local Authority authorises and issues all school attendance orders which should be used where a parent/carer is capable of securing an improvement in their child's school/academy attendance but is unwilling to do so.

2 SCHOOL ATTENDANCE ORDERS

2.1 Section 436A of the Education Act 1996 (inserted by section 4 of the Education and Inspections Act 2006) requires all LAs to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education. This duty came into force in February 2007.

2.2 If it appears to the LA that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, then under S437 of the Education Act 1996 they must begin procedures for issuing a School Attendance Order (SAO).

2.3 An SAO is considered appropriate if the parent has failed to satisfy the LA that their child is receiving a suitable education within the specified period and it is expedient that the child should attend school.

2.4 Sections 438 and 439 of the Education Act 1996 state that before a LA can issue a SAO, it must serve a notice of intention to issue a School Attendance Order and specify the school to be named in the order. 'School' can mean either a maintained school or an academy. The LA will initially approach all schools who are within a reasonable distance that have spaces in the relevant year group.

2.5 It is an offence for a parent to fail to comply with the requirements of a School Attendance Order unless he/she proves the child is receiving suitable education otherwise than at school (Section 443 (1) of the 1996 Act).

2.6 The Authority are under a duty to revoke the Order if requested to do so by the parents unless they are of the opinion that no satisfactory arrangements have been made for the education of the child otherwise than at school.

3 CONTACTS

3.1 The School Attendance & Exclusion Team can be contacted via:

- 0161 234 5255
- school.attendance@manchester.gov.uk