

A guide to:
**Attendance Review Committee -
Attendance Orders**



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Information for Parents/Carers

What is an Attendance Order?

The Education (Scotland) Act 1980 allows for an education authority to require a parent/carer to provide an explanation for non-attendance, if it believes there is not a reasonable excuse for non-attendance (Section 36). A continuing failure to improve your child's attendance will result in a referral to the Attendance Review Committee. The Committee may issue an Attendance Order. The education authority shall notify the parent/carer that a meeting or hearing is required, and that an explanation for non-attendance must be provided to the authority. An Attendance Order requires the parent/carer to ensure their child attends the school which he or she has been attending or another local school.

What happens before an attendance order is made?

The Education Service has introduced a new policy on attendance. The new arrangements involve a series of different steps to be taken forward by school staff, and, at later stages, by other professionals.

The stages are:

Stage 1

Parents/carers are informed by letter from the school if their child's attendance falls below 90% within a 6 week period.

Stage 2

If there is no sustained improvement within 4 weeks, or no improvement at all within 2 weeks, parents/carers will be invited to attend a Maximising Attendance meeting with senior school staff to establish the reasons for the continuing low attendance. Should the parent/carer not attend the meeting, Stage 3 procedures will be followed.

Stage 3

If there is no sustained improvement within 4 weeks, or no improvement at all within 2 weeks, the case will be referred (for primary school pupils) for discussion at an appropriate case conference and in the secondary schools the Joint Agency Team (JAT). Should the parent/carer withhold consent for involvement, a referral will be made to the Children's Reporter.

Stage 4

A continuing failure to improve attendance will result in a referral to the Attendance Review Committee. The committee may:

- discharge the case as your child's attendance has improved;
- refer for a medical examination to the community doctor;
- refer your child to the Children's Reporter;
- issue an Attendance Order;
- following further unauthorised absence, make a referral to legal services to consider taking a prosecution.

The education authority shall seek the views of parents as to the school which they desire their child to attend as the school must be named in the Order. The school can be either a public school or a

school the managers of which are willing to receive the child.

The Making of Attendance Orders

This is an Order in writing requiring the parent of the child to ensure that the child attends a school named in the Order, being either a public school or a school the managers of which are willing to receive the child. The education authority will serve a copy of the Attendance Order on the parent and the parent has to comply with this by ensuring that the child attends regularly at the school named in the Order. Parents have the right of appeal, namely; the parent can, within fourteen days after the date on which the Order was served, appeal to the Sheriff. The Sheriff has various options, he can confirm, vary or annul the Order and his decision is final. Once an Attendance Order is made it will continue in force so long as your child is of school age.

In the meantime 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

When an Attendance Order is in force the education authority may substitute the name of another school, by serving Notice of intention to do so upon the parent. If the child moves house the authority may give Notice of intention to substitute the name of a school attended by children residing in the child's new catchment area. If the parent objects to this change the parent may intimate objections within fourteen days of being given notice of the education authority's intention.

In relation to a parent making an application to amend an Attendance Order, the authority 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, on application within one month after this decision, appeal to the Sheriff who will give a direction as he/she thinks fit. Parents/carers may wish to seek legal representation when making an appeal to the Sheriff. Legal aid may be available for advice and representation, subject to certain criteria for eligibility.

Further information is available from the Scottish Legal Aid Board at <http://www.slab.org.uk>.

Failure to Comply with Attendance Orders

Where an Attendance Order has been made and is in force and a copy of the Order has been served on the parent/carer of the child, if the parent/carer does not comply with the Order they shall be guilty of an offence against Section 41 unless they satisfy the court that they have a reasonable excuse.

For further information contact:

**Educational Services Department
Council Offices
Garshake Road
Dumbarton
G82 3PU**

**web: <http://www.wdcweb.info/education>
Telephone 01389 737374**

Further information can be obtained from:

Enquire

www.enquire.org.uk

Scottish Government

www.scotland.gov.uk/Topics/Education

Learning and Teaching Scotland

[www.ltscotland.org.uk/supportinglearners/
additional-supportneeds/index.asp](http://www.ltscotland.org.uk/supportinglearners/additional-supportneeds/index.asp)

West Dunbartonshire Council

[http://www.west-dunbarton.gov.uk/
education-and-learning/additional-support-needs](http://www.west-dunbarton.gov.uk/education-and-learning/additional-support-needs)

Additional Support Needs Tribunal (ANST) for Scotland

www.asntscotland.gov.uk

Govan Law Centre

www.edlaw.org.uk

Leaflets in this series. A guide to:

- Additional Support Needs Legislation
- Additional Support Needs in West Dunbartonshire Council
- The Co-ordinated Support Plan (CSP)
- Dyslexia
- Getting Help and Resolving Disagreements:
 - Mediation;
 - Dispute Resolution;
 - Additional Support Needs Tribunal for Scotland (ANSTS)
- Going to Meetings to Discuss Your Child
- Individualised Education Programmes (IEP)
- Staged Intervention
- The Network Support Resource
- The Pre-school Assessment Team (PreScAT)
- Attendance Review Committee - Attendance Orders
- Accessing Specialist Provision in West Dunbartonshire
- Attendance Procedures

For more information contact:

Additional Support Needs enquiries

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01389 761048

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Pupil Support Co-ordinator

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General Enquiries

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Other formats

This document can be provided in large print, Braille or on audio cassette and can be translated into different community languages. Please contact:

Corporate Communications
Council Offices
Garshake Road
Dumbarton G82 3PU
Tel: 01389 737000

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。

अनुसूचित पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ।

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔