

London Borough of Havering

School Attendance Orders

A guide for parent/carers and schools

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What is a School Attendance Order (SAO) and when is it used?

SAOs are used to direct parent/carer(s) to send their child to a specified school.

A School Attendance Order (SAO) is issued when a child is not on roll at any school and the Local Authority is not satisfied that their parent/carer(s) have arranged to provide them with an appropriate full-time education via, for example, Elective Home Education (EHE).

The London Borough of Havering (LBH) views SAOs as a last resort used to meet our statutory duty to ensure all children are in receipt of a suitable education. Before serving an SAO, the Inclusion Service will make every effort to discuss the situation with the child's parent/carer(s). If as a parent/carer, you receive any requests for information concerning the education of your child, please respond as quickly as possible in order to avoid the need for a SAO.

The Stages of a SAO (a chart of this process is included at Appendix 1)

Stage 1: A Notice to Satisfy (NTS)

If, after making reasonable enquiries, it appears that parent/carer(s) have failed to make suitable arrangements for their child's education, we will write to them issuing a 'notice to satisfy'. The parent/carer(s) will have 15 days to satisfy us that they are providing a suitable education which is appropriate to the age, ability and aptitude, and any special educational needs of their child, either at school or otherwise.

Stage 2: Warning of intention to serve a SAO

If parent/carer(s) fail to comply with the instructions on the Notice to Satisfy, they will receive a second letter which instructs them to enroll their child at a named designated school. It is the responsibility of the parent/carer(s) to contact the school and arrange for their child to start school; they have 15 school days to get their child onto the roll of the named school.

Which school will be named in the SAO?

LBH will initially identify the nearest available school to the home address which has spaces in the relevant year group. We will then take into consideration:

- the child's age, ability and any special needs
- whether the child has been previously permanently excluded from a school

LBH will notify the school they intend to name them on the SAO. The school may decline to take the child onto their roll if there are legitimate reasons for this. If this happens, LBH will seek an alternative school through the Fair Access Panel.

Stage 3: Serving the SAO

LBH will serve parent/carer(s) with a SAO if:

- the parent/carer(s) fail to get their child onto a school roll in the specified time
- Parent/carer(s) fail to supply evidence of a suitable education by other means, e.g., EHE

This final letter, and enclosed SAO, gives the parent/carer(s) a final 10-day period to arrange a start date and to present their child at the school. Failure to comply means the matter is referred to the LBH legal department who will decide whether to pursue prosecution for failing to comply with the School Attendance Order. This is a criminal offence under Section 443 of the Education Act 1996. If a decision is made to prosecute, parent(s) will be summonsed to appear before a Magistrates Court who will hear the case. If convicted of this offence, the court can issue fines up to £1000 for each offence and there may be additional court costs added to the fine amount.

While this action is pursued, parent(s) can present the evidence that their child is receiving a suitable education either via Elective Home Education or by attendance at school.

If, at any point in the School Attendance Order process described above, LBH receives evidence that the child in question is in receipt of a suitable education via EHE we will consider stopping the SAO. Similarly, if a child is placed onto a school roll, either within LBH or in a different local authority, the SAO process will be stopped.

What happens after the case has been heard at court?

LBH will write to the school which was named in the SAO, advising them of the outcome of the hearing and releasing the place which was held for the child in question. LBH will also write to the parent(s) advising them of next steps.

If the parent is found guilty of failing to comply with the SAO, then the LBH EHE team will contact the parent(s) and make fresh enquiries regarding the current suitability of the education the child is receiving via EHE. Effectively, the process described here begins again and parents can ultimately face a new prosecution and potential fine/s if they fail to comply with a SAO and/or fail to provide evidence of a suitable education via EHE.

In the event that the parent is found not guilty, and the child continues to be EHE, the suitability of the education the child is receiving would continue to be assessed.

If you have a query regarding the SAO process, please email: ews@haverling.gov.uk

If you have received correspondence concerning your child and a SAO, please respond to the email address on your letter.

Appendix 1 – SAO Flowchart

