

## Compulsory School Age



What does Compulsory school age mean?

The term "Compulsory School Age" is confusing. It does not actually mean that school is compulsory during the qualifying period. It does however mean that the parent of guardian of a child of "compulsory school age" has a duty to provide an education (subject to section 7 of the 1996 Education act) during that period.

When does it start?

Your child is of "compulsory school age" on the 1st January, 1st April or 1st September following their 5th birthday.

Children becoming 5 years old between 1st January and 31st March are of compulsory school age at the beginning of the term after 1st April.

Children becoming 5 years old between 1st April and 31st August are of compulsory school age from the beginning of the term after 1st September.

Children becoming 5 years old between 1st September and 31st December are of compulsory school age from the beginning of the term after 1st January.

When does it end?

In practice a person ceases to be of "compulsory school age" on the last Friday of June during the year that s/he becomes 16 provided that the child's birthday is before the beginning of the next school year.

If his/her 16th birthday is after the start of the new school year, she is still of "compulsory school age" until the end of the last Friday in June of the following year.

A child of 17 can never be of Compulsory School Age.

What does it mean for Home educated children?

While there is little confusion over when Compulsory School Age begins, there is some difficulty assessing when it ends. Since the law assumes that children will attend a formal school there is no clear guidance as to when the school year for home educators begins.

It is probable that for most parents of home educated children it is safe to assume that the LEA will normally take the school year to begin sometime in September when most schools begin their school year.

So if your child's birthday is from the beginning of January to the end of August then the last Friday of June of the year that their 16th birthday occurs will be when the LEA will assume they are no longer of compulsory school age.

Similarly if your child's birthday falls from the beginning of October to the end of December then the LEA will probably assume that their compulsory school age will be the last Friday in June of the following year.

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However it has been suggested that it may be possible to argue that you could adopt a school year that runs from birthday to birthday and argue that your child's period of compulsory education ends on their 16th birthday.

This position however has never been tested in court and so one should act with caution in taking this position. On the other hand, given how long it takes to move from contacts with a family, the serving of a notice and court action being taken it seems unlikely that an LA would prosecute a family whose child is already 16.

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