

Education Safeguarding Team

Prosecution Advice for Schools Non-School Attendance Cases

September 2019

Contents

- A. The Context
- B. DFE Guidance Regarding Prosecution for Non-School Attendance
- C. The Legislation
- D. Work to be Undertaken by School Prior to the LA Considering a Prosecution
- E. Evidential Requirements
- F. Timescales
- G. Attendance Panel Meeting
- H. PACE Meeting
- I. Local Authority Responsibility
- J. Statement of Witness
- K. Penalty Notices for Non-School Attendance
- L. Traded Services

- Appendix 1 Possible first legal letter
- Appendix 2 Meeting in School Possible Invite Letter
- Appendix 3 Invite to an Attendance Panel Meeting
- Appendix 4 Attendance Panel Meeting
- Appendix 5 Attendance Panel Meeting notes cover letter
- Appendix 6 Final Warning Letter Regarding Possible Legal Proceeding
- Appendix 7 Notice to Parents and Guardians Warning of Legal Responsibilities and Possible Outcomes
- Appendix 8 Blank Statement of Witness
- Appendix 9 Statement of Witness Example 1 – Where there is no co-operation from parents
- Appendix 10 Statement of Witness Example 2 – parent(s) who do not co-operate with the agreed plan and there is no improvement in attendance
- Appendix 11– Blank Headteacher Certificate of Attendance 12 & 6 weeks

A. The Context

From September 2013, the Local Authority has been unable to offer a universal service to schools. All schools can purchase this support via our Traded Offer. Details on how to do this and packages available can be found at skills4bradford.co.uk or through Bradford Schools Online.

In the event of a school not intending to buy in additional services from the Education Safeguarding Attendance Team, the following information relays the requirements and standards that must be met by school staff, to enable the Local Authority to carry out its statutory duties. The Education Safeguarding Prosecution Team delivers this Local Authority responsibility.

B. DFE Guidance Regarding Prosecution for Non-School Attendance

Guidance to schools says,

“Where schools buy-in their own independent educational welfare provider they cannot prosecute parents as this power remains solely with the Local Authority. However, they can make referrals to the Local Authority, which then decides whether to prosecute parents”.

And

“In the case of regular or persistent absence without permission, the school must refer the case to the Local Authority which will consider prosecution”.

Hence it is the responsibility of the Local Authority to “consider” prosecuting cases of non-school attendance. These guidelines are intended to advise schools of factors the Local Authority consider when prosecution is requested. It also advises how schools can compile the evidence required to secure a conviction.

C. The Legislation

The Education Act 1996 says that:

“If a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school, the parent is guilty of an offence”.

There are two offences relating to parental responsibility for ensuring regular attendance at school or alternative provision:

- 1) If a registered pupil is absent without authorisation then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. A conviction for this offence can result in a fine of up to £1,000.
- 2) If the parent knows that their child is failing to attend regularly at the school and fails to cause them to do so, they are guilty of an offence under Section 444(1A) of the Education Act 1996. This is known as an aggravated offence. A conviction for this offence may result in a substantial fine up to a maximum of £2,500 and/or a term of imprisonment not exceeding 3 months.

Most prosecutions undertaken by schools will be under Section 444(1).

There are specific defences in respect of these offences. Unless one of the defences listed in the Education Act 1996 applies, the offence will be proven and the parent found guilty.

The defences are summarised below:

- The parent proves the child did not attend because of sickness or unavoidable cause
- The child is absent with leave (permission given by the school)
- The child is absent on a day specifically set aside for religious observation by the religious body to which the parent belongs
- The Local Authority has failed to make appropriate travel arrangements (where it is obliged to do so) to facilitate the child's attendance
- The child is of no fixed abode and the parent proves that their trade or business requires them to travel from place to place

Where the local authority believes that a parent has a legitimate defence prosecution will not proceed.

Schools must consult with the Prosecution Lead to agree which route to take before submitting a referral.

D. Work to be Undertaken by School Prior to the LA Considering a Prosecution

It is expected schools will have clear systems in place for managing attendance including:

- 1) An Attendance Policy in line with the Department for Education expectations.
- 2) Letters including a "final warning letter" advising parents that they have failed to co-operate and that the school intends to request prosecution by the Local Authority. This letter should be used sparingly and when legal action is imminent. Please see Appendix 6 and Appendix 7.
- 3) Efforts made to support the pupil ie referrals to outside agencies if needed.
- 4) Telephone calls and home visits.
- 5) Meetings in schools and clear plans agreed with parents/carers. These plans should clearly state what is expected from parents/carers. These expectations should be reasonable and achievable. Plans should also include what additional support will be provided by school and where appropriate other agencies. Please see Appendix 4.
- 6) The school must give consideration of the issues that may impact on attendance. This is by no means an exhaustive list but could include:
 - Parents/carers having mental health issues or being elderly or infirm
 - The child being beyond parents/carers control
 - Any special educational needs the pupil may have
 - If a pupil is an anxious non-attender covered by medical evidence
 - Child safeguarding concerns
 - Poverty

None of these factors would by themselves prevent prosecution but may indicate that attendance concerns may be better addressed using other strategies such as:

- Multi-agency approaches (Early Help)
- Referral to appropriate agencies
- Alternative provision or support available from the Education Safeguarding Attendance Team as part of traded services

Schools will need to have considered these options prior to a prosecution taking place.

Generally, prosecution should not be considered where parents/carers appear to be making genuine and consistent efforts to improve their child's attendance.

Where there are other agencies involved such as Children's Social Care, YOT or CAMHS the views of these agencies should be sought prior to prosecution.

It is expected that the school will ensure, where parents do not speak sufficient English, that they make provision for translating letters and other documentation and use interpreters for meetings.

In respect of Year 11 pupils we would only consider requests for legal intervention if submitted prior to the end of the autumn term.

Penalty Notices will not be issued until 6 weeks of attendance are available in the current academic year.

Penalty Notices will not normally be considered for poor attendance during the last half term.

E. Evidential Requirements

A request for prosecution should be made via the referral form on Bradford Schools Online and submitted to the Local Authority via attlegal@bradford.gov.uk with the pupil's attendance certificate and a brief summary of events. School will need to have documentary evidence which may be requested at any point, such as:

- copies of letters
- minutes of meetings
- school notes
- attendance panel meeting minutes
- copy of the pupil's current attendance certificate
- information as to whether an interpreter is needed
- any relevant information

Schools will then be required to complete a Statement of Witness (see appendix 8,9&10) and a Headteachers Certificate (see appendix 11) with the period of offence provided by the Prosecution Team.

In the event of a 'not guilty' plea the caseworker (and Headteacher if called by the defendant) will be required to attend court and be cross examined in the witness box with regard to the information presented in the statements submitted.

F. Timescales

The period of the offence when the non-school attendance occurred should cover between 6 and 12 school weeks. The period of offence will be determined by the Prosecution Lead. 12 weeks can be more realistic in showing a range of attempts to work with the family. A case can not be proceeded with if the initial offence started over 6 months ago.

The processes for checking reports, issuing summons to parents, lodging information with the court and arranging a court date can take 2 to 3 weeks. It is important that once schools have decided to request prosecution, that the paperwork is prepared and submitted as soon as possible to ensure that proceedings can be completed within the expected time scales.

G. Attendance Panel Meeting

At the commencement of the meeting, parent(s) must be made clearly aware that the meeting is part of a formal attendance procedure which could lead to legal intervention by the LA. A support plan should be formulated to address any problems the young person/family may be experiencing with attendance targets and timescales set. Where appropriate ensure actions agreed are signed by all parties in attendance.

If parents do not attend the Attendance Panel Meeting, and do not supply a reason why, then a support plan can be drawn up in their absence and delivered to the home address.

H. PACE Meeting

If it is agreed by all parties that legal action should be pursued then the following should be held:

- **PACE** (Police and Criminal Evidence act) Formal Caution Interview – will be arranged with the school, the parent(s) and child (if appropriate) and chaired by the Prosecution Lead (Prosecution Lead will write to parents to invite them to this).

At the commencement of the interview the parent will be cautioned under the Police and Criminal Evidence Act (1984).

A decision will be made following the interview, regarding the most appropriate legal option as a way forward in ensuring an improvement in the child's attendance. If new information comes to light at the interview it may be that no legal action will be taken at that time. If it is agreed that the LA will proceed with legal action schools will be provided with a period of offence. A Statement of Witness and Head teacher's certificate will be requested at this point.

I. Local Authority Responsibility

The Local Authority will be responsible for the following:

- Arranging and chairing PACE meetings
- Completing and submitting all administrative documentation with regard to the court process and securing a hearing date

- Serving the summons on the parent(s)
- Attending court on behalf of the school/academy and presenting the case to the Magistrates (including initial hearings, adjournments and sentencing)
- Ensure all parties are kept informed of dates and outcomes

The Local Authority reserves the right to withdraw the case if there has been substantial improvement in attendance prior to the hearing or it appears that the parents may have a valid defence.

J. Statement of Witness

There are examples available of Statements of Witness (Appendices 9 & 10). The witness statement starts by stating who is preparing the report and giving an outline of the attendance data for the relevant period. **Each page needs to be signed and dated.** **Electronic signatures will not be accepted.** Schools do not need a separate statement for each child in the family; all the details can go on one.

The body of the report then aims to cover work undertaken with parents/carers. It needs to be based on contemporaneous notes and other evidence such as letters and minutes. Hearsay is generally inadmissible as is evidence from outside the period of attendance. When parents fail to co-operate with all efforts by the school to engage with them, prosecution can occur. The school needs to be able to show that all efforts to engage have been exhausted with details of dates of telephone calls, home visits and letters inviting parents to meetings etc. There does need to be a final warning letter that the school intends to refer to the Local Authority for prosecution. Please see Appendix 6.

Where parents/carers are invited to meetings and attend, there needs to be an exploration of the potential difficulties at home and school preventing full attendance. There also needs to be a plan with clear and reasonable expectations of parents/carers. Hence the report should include the dates of any meetings and whether or not parents attended. It can also be useful to include key elements of identified issues and what actions have been agreed to be undertaken by the parents/carers and school. For example "Mr S agreed to bring his child to school every day up to the next review on". "The school agreed to provide extra support in school from the learning mentor" (job titles should be used not names). The report then needs to clarify that parents/carers did not cooperate with agreed plans and attendance did not improve.

The report then requires a concluding paragraph. This can be along the lines that:

"Apart from school attendance there appear to be no other significant welfare concerns. In this context the advice to the Local Authority is that we do not consider an Education Supervision Order and/or a Parenting Order to be necessary. We do feel that what is needed is for the parents/carers to co-operate more fully with the school and exercise their parental responsibility to ensure school attendance. Hopefully this court hearing will give the parents a firm reminder of their legal responsibilities".

K. Penalty Notices for Non-School Attendance

There is a separate penalty notice process that should be used for unauthorised leave of absence in term time. The details of this are available on Bradford Schools Online. Removing a child from school for leave in term time is a deliberate act on behalf of parents/carers. It appears that where schools are using penalty notices this can significantly reduce the amount of attendance lost to leave.

However non-school attendance not related to leave can have many complex underlying factors related to the child, family and school, and is rarely simply a matter of parental culpability. Our experience has been that where there have not been significant efforts to engage with pupils and their parents with plans to improve attendance then if used in isolation the outcome of penalty notices is poor. Also a majority of penalty notices for non-school attendance in these circumstances are unpaid and result in having to undertake prosecution proceedings in the Magistrates Court, with often a limited evidential base.

Therefore the expectation is that schools follow similar processes to those required for prosecution. The school may feel that a penalty notice is a more measured response than proceeding straight to court. **For example the school may decide to use a penalty notice where it is the first time significant attendance difficulties have occurred and they feel that a penalty notice is likely to have an impact.** This would allow the school to retain court proceedings as a future option. Penalty Warning Letters must be issued prior to a Penalty Notice, to allow the parent a final opportunity to improve attendance by ensuring the pupil does not have any further unauthorised absence in the following 20 school days. Penalty Warning Letters can only be issued if a pupil has 10 or more unauthorised sessions in a 6 school week period.

Due to time restraints all requests for Penalty Warning Letters for non-school attendance should be submitted to the Prosecution Team 4 weeks prior to the Spring Bank holiday.

The process is the same as requesting that the service proceed to prosecution. The documentation required is:

- copies of letters
- minutes of meetings
- school notes/proof of telephone calls and home visits
- attendance panel meeting minutes
- A copy of the pupil's current attendance certificate
- Information as to whether an interpreter is needed

The referral on Bradford Schools Online should be completed and emailed to attlegal@bradford.gov.uk with an up to date attendance printout and a summary of events. On receipt of a penalty notice request the service will, acting within the Code of Conduct:

- Issue a Penalty Warning Letter. This advises the parent that if any unauthorised absence occurs in the next 20 school days then a Penalty Notice will be issued and gives details of the payment required
- At the end of 20 days check with the school if there have been any unauthorised absence and issue a Penalty Notice to the parent(s) if necessary
- The notice requires payment of £60 per parent, per child if paid within 21 days. If not paid within 21 days the payment doubles to £120 per parent, per child. There is then a further 7 days to pay
- If the notice remains unpaid the service will commence prosecution proceedings under Section 444(1) of the Education Act 1996

The service will advise the school when a notice is paid. If it is necessary to commence prosecution proceedings the school may have to prepare a Statement of Witness and Headteacher's Certificate authorised by the Headteacher. Please refer to the section on prosecutions for guidance.

In the event of a 'not guilty' plea, the school representative (and also Headteacher if called by the defendant) will be required to attend court and be cross examined in the witness box with regard to the information presented in the statements submitted.

L. Traded Services

Schools are entitled to request from the Local Authority either Penalty Notices or Prosecution providing cases meet the above requirements. Using Penalty Notices or Prosecution to effectively improve attendance is complex and not always successful.

As a service we have worked effectively with many pupils and families where schools have failed to make progress. This has mainly been without recourse to legal action. Hence we would encourage schools to consider the option of buying in casework from our service. We offer consultancy to help schools to have effective practices in place for working with the more difficult and complex families.

Where schools want to undertake their own legal work we also offer consultancy to assist with the preparation of appropriate documentation eg a statement of witness, to increase the probity of securing conviction in the Magistrates Court. For details please see skills4bradford.co.uk or via Bradford Schools Online.

For further information please contact:

Lindsey Fallon – Prosecution Lead

Tel: 01274 439667 or email lindseyfallon@bradford.gov.uk

To request Legal Action please email the completed referral form to:

attlegal@bradford.gov.uk

For information regarding Leave of Absence in Term Time please contact:

Elizabeth Waite – Prosecution Co-ordinator

Tel: 01274 439668 or email elizabeth.waite@bradford.gov.uk

For Traded Service information please see skills4bradford.co.uk

Or contact:

Waheeda Shah – Attendance Lead

Tel: 01274 439684 or email attendance@bradford.gov.uk

Appendix 1 Possible first legal letter

Dear

Re: Attendance at (School name) – (Pupil name) (DOB)

As you are aware at (school name) we take pupils attendance very seriously. I would like to draw your attention to your child's registration certificate enclosed. The school are concerned as we deem an acceptable level of attendance to be a minimum of% (school target).

Irregular school attendance may have a serious impact on your child's academic progress if allowed to continue. We understand there may at times be unavoidable, genuine reasons for your child's absence of which the school should be informed as soon as possible. You may be requested to provide medical evidence before any further absence can be authorised. This can be in the form of a doctor's note, appointment card, medication or prescription.

We need to remind you of your legal responsibility to ensure your child(ren) attends school regularly (under Section 444 the 1996 Education Act). Should there be no improvement we may need to take further action. This could include issuing a warning which could lead to a £60 fine per parent, per child. Or in more severe cases the matter may be referred to the Magistrates Court where you could be fined up to £2,500 and/or 3 months in custody. We want to work with you to avoid any legal intervention and to help your child benefit from the education offered in school.

If you would like to discuss this letter or require further support please do not hesitate to contact me on the number above.

Yours sincerely

School staff

Appendix 2 – Meeting in School Possible Invite Letter

Dear

Re: Attendance at (School name) – (Pupil name) (DOB)

Any child with below 90% attendance is considered by the Department for Education to be a “persistent absentee”. For persistent absentees the school is expected to have plans in place to both support the children and to improve their attendance. Your child’s attendance is now only (--) %. This could be due to illness or unauthorised absence.

We would like to offer you an opportunity to improve your child’s attendance with support from the school. We have arranged a meeting at school for:

(Day/Date/Time)

If this time/date is not convenient please contact me to re-arrange. .

Yours sincerely

School Staff

Appendix 3 –Invite to an Attendance Panel Meeting

Dear

Re: Attendance at (School name) – (Pupil name) (DOB)

You were recently invited to a meeting at school to talk about improving (child's name)'s attendance. Unfortunately your child's attendance is still unsatisfactory.

It is now necessary to arrange an **Attendance Panel Meeting**, this will be held atschool, onat It is important that (child's name) also attends the meeting.

It is important that you co-operate with efforts to improve (child's name)'s attendance if legal proceedings are to be avoided. For your information I am enclosing a copy of your child's current attendance certificate.

We need to remind you of your legal responsibility to ensure your child(ren) attends school regularly (under Section 444 the 1996 Education Act). Should there be no improvement we may need to take further action. This could include issuing a warning which could lead to a £60 fine per parent, per child. Or in more severe cases the matter may be referred to the Magistrates Court where you could be fined up to £2,500 and/or 3 months in custody. We want to work with you to avoid any legal intervention and to help your child benefit from the education offered in school.

If you are unable to attend the meeting, please contact school directly to discuss an alternative time. If you fail to attend, this may be used as evidence of your unwillingness to cooperate and the meeting may go ahead in your absence.

Yours sincerely

School Staff

Attendance Panel Meeting

The aim of this agreement is to work together to improve school attendance and avoid the need for legal action.

Meeting held on: **at:**.....

Name of student(s):.....**Year:**.....

Parent name:.....

Parent name:.....

Address:.....

Meeting attended by:.....

Attendance % at time of meeting:.....%

Parent aware of legal responsibility/legal process: YES/NO

The issues are:

Feelings/issues from pupil:

School will:

The parent/carer will:

Next steps:

If targets are not met the school may contact the Local Authority to discuss legal action and you may be invited to attend a PACE (Police and Criminal Evidence) meeting.

Attendance target:..... Review date:.....

Signed:.....(Parent/Carer)
Signed:.....(Parent/Carer)
Signed:.....(Pupil)
Signed:.....(School)
Signed:.....(Other agency)

Appendix 5 Attendance Panel Meeting notes cover letter

Dear

Re: Attendance (*Pupil name*) (*DOB*) Year

Thank you for attending the Attendance Panel Meeting held on.....

OR

Unfortunately you did not attend the Attendance Panel Meeting held on.....

Please read the enclosed copy of the notes of the meeting. It is important that you adhere to the action plan agreed by (yourself and) the school in order to maintain an improved attendance for (child's name). If no improvement is made the matter may be referred to the Local Authority and progressed to a PACE meeting. This is an interview that will be conducted under the terms prescribed by the Police and Criminal Evidence Act (1984) and you will be formally cautioned.

If you wish to discuss this plan further or require further support, please do not hesitate to contact me.

Yours sincerely

School Staff

Appendix 6 – Final Warning Letter Regarding Possible Legal Proceeding

Dear

Re: Attendance (*Pupil name*) (*DOB*) Year

Unfortunately you have failed to co-operate with recent efforts to meet with you to discuss your child/children's attendance.

Or

Unfortunately you have failed to co-operate with recent plans to improve your child's attendance.

We will now be monitoring (*pupil name*)'s attendance for 4 weeks from (*day/date*) to (*day/date*). If there are unauthorised absences during this period we will be submitting a referral to the Local Authority requesting legal proceedings.

It is important if your child is ill during this period that you discuss this with school as soon as possible. Prior to authorising any absences we need you to provide proof that your child is ill such as an appointment card or prescribed medication.

Please see the enclosed "Notice to Parents or Guardians" which warns you of possible criminal proceedings in the Magistrates Court and gives details of the legislation and possible penalties.

If you would like advice and support to improve your child's attendance please contact me.

Yours sincerely

School Staff

Appendix 7 – Notice to Parents and Guardians Warning of Legal Responsibilities and Possible Outcomes.

Education Act 1996, (as amended)

NOTICE TO PARENTS OR GUARDIANS

To **«Name»**
of **«address»**

TAKE NOTICE that, having failed to cause your child **«Childsname»** who being of compulsory school age and a registered pupil at **«school»** to attend school regularly, you have rendered yourself liable to criminal proceedings in the Magistrates Court under the provisions of Section 444 (1) of the Education Act 1996 (as amended), and

TAKE NOTICE that knowing that your child is failing to attend school regularly, and failing without reasonable justification to cause **«himorher»** to do so, you may have rendered yourself liable to criminal proceedings in the Magistrates Court under Section 444 (1A) Education Act 1996 (as amended).

Your child may also be brought before the Family Proceedings Court for an Education Supervision Order under Section 36 of the 1989 Children Act and/or a Parenting Order under the Crime and Disorder Act 1998.

THIS WARNING is issued in the hope that there may be no necessity to take further steps to enforce the law.

SHOULD, HOWEVER, THIS WARNING BE DISREGARDED, YOU MAY BE SUMMONED WITHOUT FURTHER NOTICE.

Note: Upon summary conviction for an offence under Section 444 (1) Education Act 1996 (as amended) you are liable to a fine of £1,000. A conviction for an offence under Section 444 (1A) Education Act 1996 (as amended) may result in a substantial fine up to a maximum of £2,500 and/or a term of imprisonment not exceeding three months.

Name: (Headteacher Name)

Headteacher of (School name)

Date:

STATEMENT OF WITNESS

CJ Act,1967, s9; MC Act 1980. ss5A (3) (a) and 58: Criminal Procedure Rules 2010, Rule 27.1

STATEMENT OF (Name)
AGE (if over 21 enter "over 21")
OCCUPATION (enter job title)
ADDRESS (give school address)

This statement (consisting of (enter page quantity) page/s each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I, (name) have been employed as a (job title) at (school) from (date) to the present time.

(Parent name) and (parent name) are the parents of (pupil name) who is aged (age) and is of compulsory school age until (date).

Attached to this statement is a Head teacher's certificate of attendance signed by Head teacher at Anywhere Academy. This covers the period from to this shows that attended on ... sessions out of a possible ... and was therefore absent for ... sessions. No medical evidence has been provided to cover the absences from school.

Summary of Involvement

Apart from the school attendance I am not aware of any additional welfare concerns. In this context the advice to the Local Authority is that I do not consider an Education Supervision Order and/or a Parenting Order to be necessary. I do feel that what is needed is for the parents to co-operate more fully with the school and exercise their parental responsibility to ensure an acceptable level of school attendance. Hopefully this court hearing will give the parents a firm reminder of their legal responsibilities and the need to work with the school.

Date: (date)

Name: (name)

Signed:

STATEMENT OF WITNESS

CJ Act,1967, s9; MC Act 1980. ss5A (3) (a) and 58: Criminal Procedure Rules 2010, Rule 27.1

STATEMENT OF John Smith
AGE (if over 21 enter "over 21") Over 21
OCCUPATION Attendance Officer
ADDRESS Anywhere Academy, Blenheim Square, Bradford BD1 1BA

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I, John Smith have been employed as an Attendance Officer at Anywhere Academy from September 2010 to the present time. .

Parent 1 and Parent 2 are the parents of child 1, who is aged 13 years and is of compulsory school age until June 2022.

Attached to this statement is a Head teacher's certificate of attendance signed by Head teacher at Anywhere Academy. This covers the period from to this shows that child attended on 84 sessions out of a possible 118 and was therefore absent for 36 sessions. No medical evidence has been provided to cover the absences from school.

Summary of Involvement

Child's attendance had initially been managed using normal school procedures with first day calling, telephone calls and letters home. However by (date), there were serious concerns about child's attendance which was only 55% and consisted of a significant number of odd days absence.

Parents were not answering their mobiles so I made an unannounced home visit on (date). Despite child being absent from school that day nobody answered the door. A note was left asking that a parent contact the school urgently to discuss his absence. No contact was made.

Subsequently I arranged by letter to visit on (date). This letter included an attendance certificate detailing child's absences. There was no reply when I visited.

In view of the level of concern the parents were then invited by letter into a meeting in school on (date). In this letter the parents were advised of the high level of absence and that we wanted to agree a plan to support child to improve his attendance. Neither parent attended this meeting and the school received no contact as to why.

Date:

Name: John Smith Signed:

I did a further home visit on (date) when parent 2 answered the door. She advised me that she had forgotten about the meeting. She also said that child had been ill with colds and headaches but she had been unable to contact the school because of having no credit on her mobile. She agreed to attend a further meeting at school on (DATE) and to ensure that child's attendance would improve. However neither parent attended this meeting and child's pattern of poor attendance continued.

On (date) I wrote separately to both parents advising them of their legal responsibilities and that if child's attendance did not immediately improve we would request prosecution by the Local Authority. We also offered to meet to discuss this if they contacted the school. Poor attendance continued and parents did not request a meeting, therefore on (date) we decided to request prosecution by the Local Authority.

During this period parents have offered no reasonable explanations for any of child's absences.

The school is very concerned that child will fail to make adequate educational progress if poor attendance continues.

Apart from the school attendance I am not aware of any additional welfare concerns. In this context the advice to the Local Authority is that I do not consider an Education Supervision Order and/or a Parenting Order to be necessary. I do feel that what is needed is for the parents to co-operate more fully with the school and exercise their parental responsibility to ensure an acceptable level of school attendance. Hopefully this court hearing will give the parents a firm reminder of their legal responsibilities and the need to work with the school.

Date:

Name: John Smith

Signed:

Appendix 10 - Statement of Witness Example 2 – parent(s) who do not co-operate with the agreed plan and there is no improvement in attendance.

STATEMENT OF WITNESS

CJ Act,1967, s9; MC Act 1980. ss5A (3) (a) and 58: Criminal Procedure Rules 2010, Rule 27.1

STATEMENT OF John Smith
AGE (if over 21 enter "over 21") Over 21
OCCUPATION Attendance Officer
ADDRESS Anywhere Academy, Blenheim Square, Bradford BD1 1BA

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I, John Smith have been employed as an Attendance Officer at Anywhere Academy from September 2010 to the present time.

Parent 1 and Parent 2 are the parents of child, who is aged 12 years and is of compulsory school age until June 2023.

Attached to this statement is a Head teacher's certificate of attendance signed by Head teacher at Anywhere Academy. This covers the period from to this shows that child attended on 84 sessions out of a possible 118 and was therefore absent for 36 sessions. No medical evidence has been provided to cover the absences from school.

Summary of Involvement

Child receives on-going support from the school's Eastern European unit. All letters have been translated into Slovakian and interpreters used for meetings with parents.

Child's attendance was initially been managed using normal school procedures with first day calling, telephone calls and letters home. However by (date) there were serious concerns about child's attendance which was only 75% and consisted of a significant number of odd days absence.

In view of the level of concern the parents were invited into a meeting in school on (date). In this meeting both his parents and child confirmed that he had friends, related well to teachers and there was no bullying. Parents also indicated that there they could manage child's behaviour. Child said that he was struggling with some of the work and extra support was agreed. The main issue appeared to be child not going to bed until the early hours and then not wanting to attend the following day.

It was agreed that parent 1 would transport him to school every day for the next 4 weeks and arrangements were made to collect child from reception. It was also agreed that a parent would contact school before 10.00am if child was to be absent. Also that parent's would respond as soon as possible to messages or texts left on his mobile by school.

Date:

Name: John Smith

Signed:

Parent 1 only brought child to school for the first 2 days. There was no contact from either parent and I discussed this with child who confirmed he was now travelling to school by bus.

A review of the attendance plan took place at school on (date). This was attended by parent 2 who explained that parent 1 was at work. Child had 6 unauthorised days absence during the previous 20 school days. Parent 2 said they had decided despite the agreed plan that child could make his own way to school. Parent 2 was advised that they must ensure his attendance every day unless child was ill, and that if there was no significant improvement we would request that the Local Authority proceed with prosecution. This was confirmed in warning letters to both parents. The pattern of absence continued therefore we submitted a request to the Local Authority to commence prosecution proceedings.

Apart from the school attendance I am not aware of any additional welfare concerns. The advice to the Local Authority is that I do not consider an Education Supervision Order and/or a Parenting Order to be necessary. I do feel that what is needed is for the parents to co-operate more fully with the school and exercise their parental responsibility to ensure full school attendance. Hopefully this court hearing will give the parents a firm reminder of their legal responsibilities and the need to work with the school.

Date:

Name: John Smith

Signed:

HEADTEACHER’S CERTIFICATE OF ATTENDANCE

(Education Acts 1944-1996 and Children Act 1989)

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

School: _____ **Class:** _____

I hereby certify that _____, born _____, the child of _____, residing at _____, is a registered pupil at the above named school.

During the period from _____ to _____ the above pupil attended _____ sessions out of a possible _____ was absent _____ times.

The particulars of this child’s attendance during the period named above are as follows:-

| Week Commencing | Possible Attendances | Attendances Made | Authorised Absence | Unauthorised Absence |
|-----------------|----------------------|------------------|--------------------|----------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Total | | | | |

The above is a correct extract from the School Register

Signed Headteacher, Dated

