

Welcome, the
webcast will start
shortly.



Preparing a case for legal intervention

Delivered by the Attendance Team

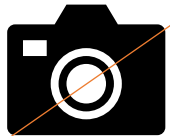
Preparing a case for legal intervention



Netiquette

Please:

Switch off
your camera



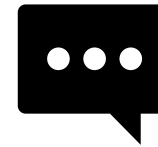
Mute your mic



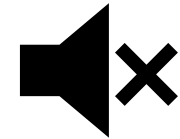
Raise your
hand if you
want to speak



Use the CHAT
facility to
connect



Respect
confidentiality



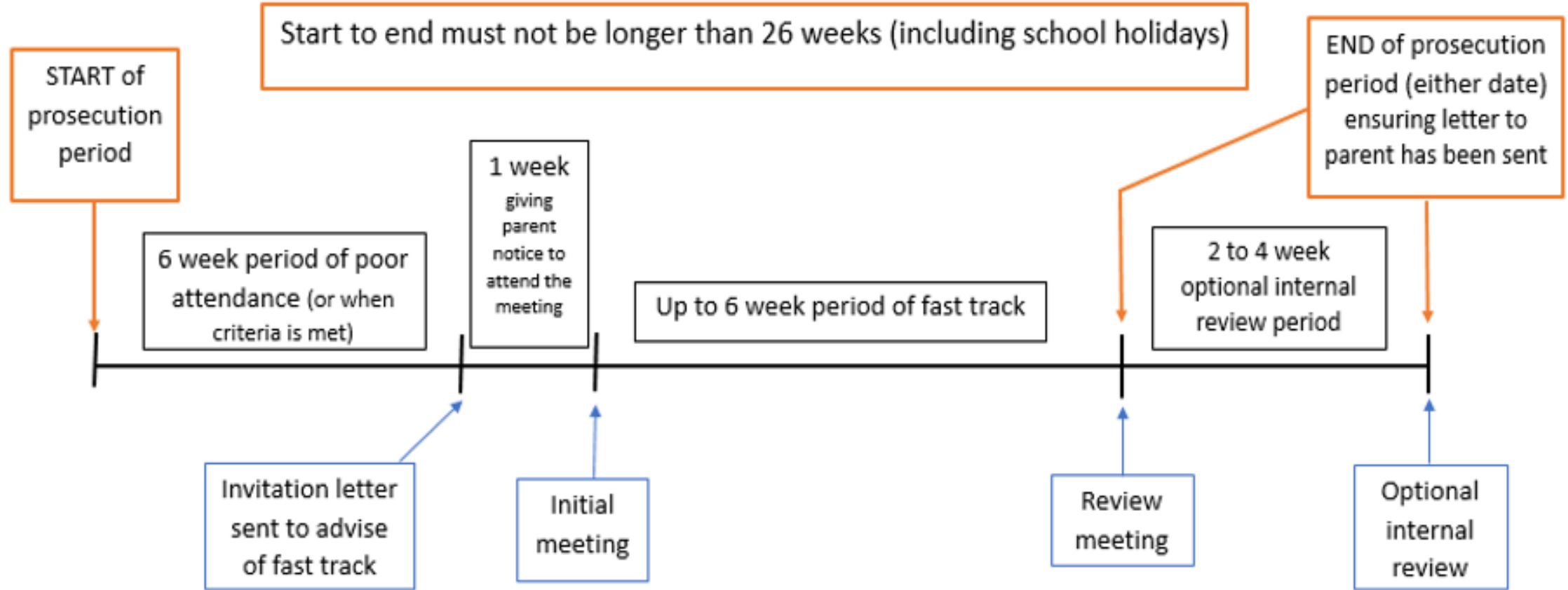
Session Aims

- To be able to complete a comprehensive and effective evidence pack where legal action is identified as the most appropriate course of action
- To be able to complete a comprehensive and effective witness statement
- To understand the role of school staff in legal action and how to provide evidence in the magistrate's court
- To understand how the level of evidence provided will impact the charge and therefore disposal
- To highlight changes that we have made to the process



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PROSECUTION PERIOD TIMELINE



Prosecution Period continued

	Mon	Tues	Wed	Thur	Fri
01/01/2019	∧	/I	II	O\	II
08/01/2019	II	∧	∧	II	II
15/01/2019	∧	∧	∧	II	II
22/01/2019	∧	OO	OO	OO	∧
29/01/2019	∧	∧	∧	∧	∧
04/02/2019	OO	U\	OO	U\	OO
11/02/2019	∧	U\	U\	L\	L\
18/02/2019	##	##	##	##	##
25/02/2019	∧	U\	∧	∧	∧
04/03/2019	∧	∧	∧	L\	OO
11/03/2019	OO	U\	∧	OO	OO
18/03/2019	/O	OO	∧	∧	OO
25/03/2019	U\	L\	∧	∧	U\
01/04/2019	U\	∧	∧	U\	OO
08/04/2019	##	##	##	##	##
15/04/2019					
22/04/2019					
29/04/2019					
04/05/2019					

	Legal criteria met
	Legal letter sent
	Initial meeting held
	Review meeting held
	Prosecution Period

Prosecution Process

There has been further unauthorised absence (15% or more unauthorised absence during the prosecution period) school to close the Fast Track and refer the case to the Attendance Team for prosecution



School completes the Application to Prosecute form and contacts the Attendance Team within 10 days of fast track review/offer of meeting. An AEO will review the case with you and provide advice on how to proceed



If the case is appropriate to proceed you will be advised to send written notification to all parents and complete the prosecution pack. This will need to be submitted to the Attendance Team within 3 weeks of the case management call



Once the full pack is received an allocated AEO will review the submission and ensure it is court ready. They will complete the legal assessment form and take it to the Application to Prosecute Panel with the Attendance and Entitlement Manager. It is at this panel that the final decision on whether to proceed will be made along with the prosecution charge.



Liaison with the courts to produce and issue court summons, parents summonsed to court and full disclosure of all evidence at outset

NEW CHANGE

Do not complete the prosecution pack or send that final notice to parents that they will be prosecuted until you had a case management conversation with the Attendance Team. The AEO you speak to will be able to support you with completing the pack and that it is appropriate to proceed.

Prosecution Packs

Which documents make up a prosecution pack

- Application to Prosecute
- S566 – Head Teachers Certificate
- S9 – Witness Statement and accompanying exhibits
- Year to Date (YTD) herringbone

How the pack should be collated and sent

- Each exhibit must be labelled on all pages
- Each document needs to be scanned in and attached as a separate document *(please take care when scanning in to make sure the pages are straight)*
- Email the pack to csattendance@norfolk.gov.uk

Application to Prosecute Example

Please fully complete all sections following your decision to refer to the LA Attendance Team. Please call the team on 01603 223681 within 7 days of the decision to refer to the Local Authority for prosecution.

School Name	Norfolk High School
Pupil Name	Steven Smith
Date of birth	30/01/2008
M/F	Male
Ethnicity	British
Year Group	10
Religion	Christian
First language	English
Specify SEND category, if applicable	N/A

Parent Details: This should include details of any adults in the household or those with parental responsibility

Full name	Date of birth	Address	Relationship to pupil	Included Y/N? if no give reasons.
Mr Stanley Smith	09/12/1978	59 Barker Street, Badersfield, NR10 5DU	Father	Y
Ms Sharon Brown	Not known	In prison	Mother	N – in prison

Has the child of concern got any siblings at your school or any other Norfolk School? If yes, please include their names below. You should contact the sibling's schools as you should complete fast track together if attendance concerns spread across siblings. This would be considered best practice and provide a consistent message to all parents.

Sibling details:

Name	Date of birth	Year group
Claire Smith	27/04/2016	2

School: Norfolk Primary School
 School contacted Date: 08/04/2019
 attendance %: 94% - illness recorded due to chicken pox

1. Please detail what action has been undertaken to improve attendance prior to point of referral for legal intervention:

Intervention	Completed? Y/N	Please give details, if the answer is no provide reasons why
First day calling	Y	Contact made by behaviour manager to Mr Smith when Steven does not attend. Mr Smith contacts year office or Attendance Officer when he has issued getting Steven to school.
Letters sent home	Y	Whole school warning letter sent home at beginning of academic year setting out attendance expectations. Attendance letter sent via email reminding of attendance expectations 15/11/2018. Letters sent out regarding fast-track meetings.
Is parent fully aware of absences?	Y	Mr Smith made aware of any absences by school. Truancy system used across whole school. Attendance Officer in contact with Mr Smith if Steven does not show up at school. Agreement made between Mr Smith and school that Steven would leave to come to school when he leaves for work and he is to attend breakfast club.
Home visit	Y	17/09/2021 – home visit by Attendance Officer 15/10/2021 – Joint home visit by Attendance officer and Safer Schools Police Officer

Meetings with parents	Y	Early intervention attendance meeting held with Ms Griffiths, Mr Smith, and Steven on 29/09/2018
In house support e.g. time table changes, school PSA, time out card, mentoring	Y	Support with re-engagement plan was offered, along with incentives. HIVE support room was also made available along with time-out card to year office, or HIVE. Steven is allowed to move to lessons early. Steven allowed free use of breakfast club each morning.
Is the pupil eligible for Pupil Premium and if so how has this been used to support the pupil?	Y	Breakfast Club in HIVE each morning funded Support given in HIVE support room by Attendance Officer and Nurture lead Access to resources in HIVE such as stationary, computers/internet and printers
Referral to Healthy Child Programme		Historically with Thurlow House, file had been closed so Father told to go back to GP for new referral. Due to Steven going missing the referral was stepped up to a CP1. Crisis team rang Father to say they could not accept the referral as he need a physical assessment as the N&N. Steven refused to attend, so Father contacted GP who told him to ring 111. Father explained the situation and they put an urgent referral to children's services social care. Father then got a voicemail on 15/10/2018 to say that as he is unreachable the case would be closed.
Family support plan	Y	Early help have helped in the past and this was escalated to the intensive support team – Steven began to engage towards the end of this and it was then passed back to Thurlow House. Social worker assessment.
Referral to outside agencies	Y	Father has contacted Thurlow House for support due to previously working with them – they advised to see GP for a new referral. Worker from Prospects has worked with Steven. Ongoing Social Worker assessment.
What efforts has the parent made to ensure the pupil's regular attendance at school?	Y	Mr Smith has contact school when he has issues with getting Steven to school and says he is refusing. Good Communication between Mr Smith and school. Mr Smith has attended an early intervention attendance meeting and both fast track meetings offered. Mr Smith has spoken to Thurlow house for support and contacted the GP for support. Mr Smith has tried listening and engaging with Steven and put in boundaries, but these have not worked. Mr Smith has been open to support and asked for support.

	Parents attended Y/N		
	Date Held	Parent 1	Parent 2
Initial Fast Track Meeting	08/02/2019	Yes	N/A
Review Fast Track Meeting	25/03/2019	Yes	N/A
Internal Fast Track Meeting	N/A		

Brief case outline including any mitigating or difficult family circumstances:

Overall attendance last year was 86.26%, although this is partly due to Steven being eligible to attend school during the national lockdown but choosing not to.

Steven attended school for the first 3 days of this term in this academic year and then stopped attending. This happened previously in year 9 but he then attended well other than time off unwell. School made a home visit after Father voiced his concerns over his non-attendance and attitude towards attending school and his lack of engagement. A re-engagement plan was offered with incentives given and support put in place such as being allowed to work in HIVE, having a time out card to the year office and to move out of lessons early to avoid crowds. Steven has started to become a school refuser, giving no reason for not wanting to come to school Steven has been offered a part time timetable prior to fast track starting but this

has failed due to non-attendance. Steven has gone missing from home and had to be reported missing to police. Missing children have been involved with this. Steven has started to spend a lot of time in his bedroom, has been struggling with personal hygiene – often sleeping in his clothes, and does not engage with his father. Steven has previously had support through Thurlow House, but his file has been closed so they advised Father to call the GP for a new referral. Due to Steven going missing the referral was stepped up to CP1 but the crisis team rang Father to explain that Steven would need a physical assessment at the local hospital for the referral to go through. Steven would not engage with this so father called 111 and they put in an urgent referral to children's service social care. They have since left a voicemail message to father saying due to not being able to contact him, they have closed the case.

Steven continues to refuse to come to school. On occasion he tells father he has left for school but never arrives. School communicates daily with father on whether he has arrived at school or not and informs father if he has not arrived and if he has arrived but then walked out of the school grounds. Steven is still not giving and reason for his school refusal and is not engaging with support offered at school.

Parent Factors

Is parent able to exercise control of child?	Yes – Father puts in boundaries and takes away electronic equipment. Father has brought him to school in the car on occasion to get him in but he will state she cannot physically drag him to school.
Is parent seeking and engaging with help/advice? What has been the impact?	Yes – Father requested support with his non-attendance. Contacted Thurlow House, 111 and the GP for support and referrals.
What reasons for absences have parents provided?	School refusal – possibly anxiety
Does parent provide medical evidence?	No - medical evidence needed to support absence, so far not forthcoming
Does the parent require the services of a translator?	No
Does the parent have any physical, learning disability or mental health issues?	None known
Is there evidence of parental drug/alcohol misuse?	No
Are there any housing or community issues?	No
Is the parent involved in offending or anti-social behaviour?	No
Are there any concerns about domestic abuse in the home?	Historic – previous partner now in prison


Pupil factors

Is the pupil involved in drug/alcohol misuse?	No
Is the pupil involved in offending or anti-social behaviour?	Maybe – concerns that pupil may be being exploited during missing episodes
Is the pupil suffering or at risk of any form of abuse?	Maybe - concerns that pupil may be being exploited during missing episodes
Is pupil a victim or perpetrator of bullying?	No – not in school
Is pupil a young carer? If so, has a referral to Young Carers been made?	No


Legal Defences

Does the pupil have a medically diagnosed recurring medical condition and has evidence been provided?	ADHD/ASD/Autistic/Dyslexic/Asthmatic/Tourette's/Tics/Sensory issues/Extreme Migraines/hay fever/Anxiety/Dyspraxia/generally poor mental health
Were any of the absences due to religious observance?	No

The child lives within the 2/3 mile limit and is not entitled to transport to school	Yes
The child lives outside the 3 mile limit and has transport paid by the LEA. (If so, please state how this is provided, e.g. bus pass, taxi, petrol allowance)	No
The child lives outside the 3 mile limit but is not entitled to transport to school. (If so, please specify why this is, e.g. parental preference)	No
That the child has no fixed abode, and the parent proves— (a) that he is engaged in a trade or business of such a nature as to require him to travel from place to place,(b) that the child has attended at a school as a registered pupil as regularly as the nature of that trade or business permits, and(c) if the child has attained the age of six, that he has made at least 200 attendances during the period of 12 months ending with the date on which the proceedings were instituted.	No

Signature: 	Date: 08/04/2019
Full name and job title: Katie Griffiths, Head Teacher	

S566 – Head Teachers Certificate

 OFFICIAL

Certificate of Attendance (Section 566 Education Act 1996)

This form is to be signed by the **Headteacher or Principal** of the Education Establishment. This will be used in legal action under Section 444 of the Education Act 1996 relating to the non-attendance of a registered pupil at the **school/academy/alternative provision**.

I hereby certify that **pupil's name** (born: [Click here to enter a date.](#)) and residing at said address **address** is a registered pupil at **school name** (a school as defined by the Education Act 1996).

I hereby certify that the **attached signed registration record** is that which is held by **school name** for this child and has been signed by me for the period [Click here to enter a date.](#) And [Click here to enter a date.](#)

The school hold the following information as being parent /carer of the child with responsibility for ensuring the child's regular attendance at school:

Name: **Parent's Name**
Address: **address**
Relationship to the child: **relationship**

Declaration:

I am the **Headteacher/Principal** of **pupil's name**. I hereby certify that the information given in these documents is true to the best of my knowledge and belief.

The information has been extracted from **school name's** register of attendance.

Dated this day of 202.....


Signature Name (Printed)

OFFICIAL

- Make sure to edit the document to reflect your settings circumstances
- Ensure child and parent details are correct
- Complete 1 for each parent
- This certificate should be accompanied by a attendance certificate showing the prosecution dates
- Both the certificate and attendance certificate (herringbone) should be signed and dated by the headteacher/principal on the same date

S566 – Head Teachers Certificate

Example


OFFICIAL

Certificate of Attendance (Section 566 Education Act 1996)

This form is to be signed by the Headteacher or Principal of the Education Establishment. This will be used in legal action under Section 444 of the Education Act 1996 relating to the non-attendance of a registered pupil at the school.

I hereby certify that **Steven Smith (born: 30/01/2008)** and residing at said address **59 Barker Street, Badersfield, NR10 5DU** is a registered pupil at **Norfolk High School** (a school as defined by the Education Act 1996).

I hereby certify that the **attached signed registration record** is that which is held by **Norfolk High School** for this child and has been signed by me for the period **01/01/2019 And 05/04/2019**

The school hold the following information as being parent /carer of the child with responsibility for ensuring the child's regular attendance at school:


Name: **Mr Stanley Smith**
 Address: **59 Barker Street, Badersfield, NR10 5DU**
 Relationship to the child: **Father**

Declaration:

I am the **Headteacher of Norfolk Primary Academy**. I hereby certify that the information given in these documents is true to the best of my knowledge and belief.

The information has been extracted from **Steven Smith's** register of attendance.

Dated this **4th day of May 2019**

Signature  Name (Printed) **KATIE GRIFFITHS**


OFFICIAL

Steven Smith: Attendance

Pupil Attendance

Herringbone Steven Smith 01/01/2019 to 05/04/2019

	Mon	Tues	Wed	Thur	Fri
01/01/2019	^	/		o\	
08/01/2019		^	^		
15/01/2019	^	^	^		
22/01/2019	^	oo	oo	oo	^
29/01/2019	^	^	^	^	^
04/02/2019	oo	u\	oo	u\	oo
11/02/2019	^	u\	u\	l\	l\
18/02/2019	##	##	##	##	##
25/02/2019	^	u\	^	^	^
04/03/2019	^	^	^	l\	oo
11/03/2019	oo	u\	^	oo	oo
18/03/2019	/o	oo	^	^	oo
25/03/2019	u\	l\	^	^	u\
01/04/2019	u\	^	^	u\	oo
08/04/2019	##	##	##	##	##
15/04/2019					
22/04/2019					
29/04/2019					
04/05/2019					


04/05/2019

S9 - Witness Statement



Statement of Witness

Statement of: - *Full name of allocated officer*
Of: - *Full job title of statement writer*
Age of Witness: - *Over 21*

"This statement (consisting of X 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 willfully stated in it anything which I know to be false or do not believe to be true"

1. *Parent name* is the parent of *child name* who was born on *XX/XX/XXXX*. *Si/He* is *XX* years old, a child of compulsory school age and not a registered pupil at any school.

2. The Local Education Authority believe that it is expedient that *Child Name* attends school.

Signature of Witness: *Statement writer signature* Dated: *Date statement completed*

This statement complies with the Criminal Justice Act 1987 S.9; Magistrates Court Act 1980, ss.5A(3)(a) and 5B; Criminal Procedures Rules 2005, rule 27.1

Version: April 2021

- The witness statement must be written by the member of staff who completed the work with the family. If the member of staff has left it may need to be completed by a senior member of staff or by 2 separate officers if case has changed hands.
- Your involvement prior to prosecution period is relevant information but can not be exhibited or dated. We can only refer to the month and year.
- All letters and documents sent or received during the prosecution period are considered as exhibits. They will be referred to in the witness statement and therefore numbered as individual exhibits accordingly. This is done by using the statement writers' initials and numbering from XX01 upwards.

Statement of Witness

Statement of: - Katie Griffiths
 Of: - Head Teacher of Norfolk High School
 Age of Witness: - Over 21

"This statement (consisting of 4 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 willfully stated in it anything which I know to be false or do not believe to be true"

1. Mr Stanley Smith is the parent of Steven Smith who was born on 30/01/2013. He is 14 years old, a child of compulsory school age and a registered pupil at Norfolk High School. The pupil lives at 59 Barkers Street, Badersfield, NR10 5DU and this is 1.1 km from the school and within expected walking distance. Mother is in prison and is therefore not included in this process. Father has given permission to the school for nan to be included and communicated with regarding Steven and his attendance and therefore nan attends meetings and agrees timetables if Father is working.
2. Steven's attendance has been a concern since joining the school in September. A number of supportive measures have been offered to improve attendance by myself and the school team, such as meetings and discussions with Father and Steven informally. Attendance supportive meetings and a previous Fast Track in the last school year. This school year Steven has been offered a varied timetable removing her from lessons he identified as causing anxiety, art, music, and drama. He has also trialed a form tutor change to be with a larger group of friends and a reduced timetable in school to help build resilience and confidence. Letters regarding Stevens attendance were sent to Father on 06/10/2021 and 19/10/2021.
3. The school uses the Fast Track to Attendance model to improve attendance in conjunction with the Local Authority. As none of the above interventions had resulted in improved attendance, Steven was entered into the Fast-Track process.
4. On 09/12/2018, I sent Mr Stanley Smith an invite letter to attend an Initial Fast Track to Attendance Panel meeting along with Stevens current herringbone. (Exhibit KG01)
5. A joint medical protocol request was sent to Dr ABC at the Norfolk and Norwich Hospital as the school had received a letter inviting Steven to see the Clinical Psychologist. The aim to get further information and support in helping to improve Steven's attendance at Norfolk High school. Medical letters from Dr ABC and Dr DEF have been provided by the family to the school and Steven remains under review with Dr DEF. (Exhibit KG02)

Signature of Witness: 

Dated: 04/05/2019

This statement complies with the Criminal Justice Act 1987 S.9; Magistrates Court Act 1980, ss.5A(3)(a) and 5B; Criminal Procedures Rules 2005, rule 27.1

6. The Initial Fast Track meeting was held on 12/01/2019 The meeting was attended by me, Mrs X Attendance Officer, Mrs B School SENCo, Mr Stanley Smith Father, Mrs Janet Smith Nan and Steven. Steven's attendance level was 20% at the time of the meeting. Steven's attendance was discussed, around his anxieties and the reason for school refusal. When in school Steven and family report that he is fine and has a positive school experience and is academically able to achieve. This is supported by my own experience with Steven in school, he is chatty, smiley and engaged, this is also reported by class teachers. Once Steven arrives in school he presents with no medical needs or displays anxiety. Steven has been supported in school with the Matthew Project session on a one-to-one support basis in school, of which Steven attended 4/6 offered sessions and then refused the service. Steven does not seek any support once in school and lessons. A referral to Point One was made in May 2018 and Steven has been given the Kooth and Chat health support details to use, whilst on the waiting list. Steven was seen by the Clinical Psychologist Dr ABC in December 2018 and following the advice a part time plan was given to Steven for one hour per day, with some lessons in the SEN hive and some in class, building and increasing weekly, this was agreed in the fast-track meeting as the letter was received that week (exhibit KG03). Steven had during many previous conversations and support sessions identified lessons that heighten his worries, therefore if the planned time included these lessons Steven was offered the Hive to work on google classroom and access SEN support. The plan was for 9-10am daily, to allow Steven to attend and then leave with a sense of achievement and work on missed lessons during the afternoon increasing weekly. Steven was informed in the meeting when the plan was agreed that work must be completed on google classroom, or pronated whin the hive to complete on paper and return, as part time in school but must keep up with missed lessons. An attendance target of 100% attendance was set for the reduced plan agreed, with an action plan to improve Steven's attendance. It was agreed that a review meeting would be held on 03/03/2019. The minutes of the meeting were signed by me, and the school staff present. A copy was given to Mr Stanley Smith to take away and read and sign due to a clash in appointments for Steven with Breaking Barriers, therefore not time to read at the end, along with a copy of the highlighted plan for lessons and HIVE time for 3 ½ weeks. (Exhibit KG04)

7. The meeting notes signature page was returned on 21/01/2019, they were signed by Father, Nan and Steven and dated as 19/01/2019. Despite being in the fast-track meeting and agreeing at the time with the phased plan starting with one hour in school and building weekly, nan wrote it was too fast and too much and Steven have commented that he would try. (Exhibit KG05)

8. The part time plan notes were also given that week to Steven to take home and return signed for the agreed timetable, these were signed and returned with further comments regarding the timings being too long on 04/02/2019. (Exhibit KG06)

9. On 07/02/2019 the part time plan was reviewed and reduced to one hour per day as Steven was not achieving this increase and Father and Nan both felt one hour was achievable, as seen on exhibit KG06 comments. An email from Breaking Barriers had also been received to support this. To help Steven achieve the plan and attend daily

Signature of Witness: 

Dated: 04/05/2019

This statement complies with the Criminal Justice Act 1987 S.9; Magistrates Court Act 1980, ss.5A(3)(a) and 5B; Criminal Procedures Rules 2005, rule 27.1

core lessons only, English, Math and Science were set, it was discussed this would mean arriving at different times daily but as Steven is within school walking distance this was agreed. A timetable with highlighted lessons to attend was given and agreed for Steven to follow. He was again reminded of his requirement to complete work when not in school, either by google classroom or print and hand it, it was reminded that despite not having set time now in the hive planned, it was available if needed for support. Father and Nan both denied knowledge that this was a requirement, they asked that we print and provide all lessons for Steven to do at home, it was reiterated that would not be possible, but Steven could still access the hive either before or after the one-hour lesson if he wanted to print out work. (Exhibit KG07)

10. On 22/02/2019, I wrote to Mr Stanley Smith inviting him to attend the Review Fast Track meeting. (Exhibit KG08)
11. Due to Fathers working commitments and a medical appointment for Nan on 03/03/2019, it was agreed with Father the review meeting would be moved to the 07/03/2022 via a telephone conversation.
12. The Review Fast Track meeting was held on 07/03/2019. The meeting was attended by me, Mrs X Attendance Officer, Mr Stanley Smith Father, Mrs Janet Smith Nan and Steven. A discussion of Steven's attendance since the initial meeting was held and we saw that Steven had not attended as planned initially the two hours, which was therefore reviewed on 07/02/2019 and reduced to core lessons only one hour per day. Since the review on 07/03/2019 for the 15 sessions planned, Steven had only attended 8 sessions, 4 English lessons, 4 Science lessons and no Math's. Steven reported the reason for not attending all lessons was due to not liking Math's and wanting a seating plan change in English due to not liking her partner. This has been looked at prior to the review meeting and discussed with Stevens class teacher, who felt the seating arrangements were justified due to behaviour and dynamics of the class and was aware of Stevens concern but did not see an issue with the current seat and therefore made no changes. As Steven had further unauthorised absences, the panel agreed that matter should be referred for consideration of prosecution. Steven and Father both became very angry and upset during the meeting when the panel decision was made. Steven called the school "a shit hole and said she hates me, and I am a dick head" and Father was upset that going to court again would not help her mental health or Steven's attendance and was angry that we were not supporting Steven. The minutes of the meeting were signed by me and Mrs X at the end of the meeting, however Mr Stanley Smith and Steven walked out before the meeting was concluded and therefore the notes were not signed. A copy was given to Nan who stayed in the meeting to take them home, sign and return. It was agreed with Nan at the end that Steven could continue with one hour per day in core lessons to be reviewed and increased gradually with an attendance target of 100%. (Exhibit KG09)
13. Since the meeting Nan has agreed an amendment to the timings of Steven's one hour in school, due to preferring to attend earlier in the day due to anxiety. They were moved to accommodate this, but Nan reminded Steven that he must attend Math's, English and Science. Steven has attended more regularly, but not always for the planned time agreed, choosing lessons and still avoiding Math's, which he reported

Signature of Witness: *Kgrains*

Dated: 04/05/2019

This statement complies with the Criminal Justice Act 1967 S.9; Magistrates Court Act 1980, ss.5A(3)(a) and 5B; Criminal Procedures Rules 2005, rule 27.1

Version: 28 August 2020

in the meeting was because he dislikes the lesson. Due to the improvement, it was agreed with Steven that from 28/03/2019 he would add an additional hour per day to the core lesson plan. Steven would be allowed to go home where lessons are spread out due to living so close to the school, to add time in lessons without adding further subjects currently. Steven has also been into the hive on one occasion to get further support in how to access google classroom and printed some work to take home. (Exhibit KG11)

14. A letter was received on 29/03/2019 to confirm that Steven is on the waiting list for Thurlow House, following the referral from Dr ABC to Point One, who then referred to Thurlow House. (Exhibit KG12)
15. I enclose a copy of the record on contact with Mr Stanley Smith on days of Steven's absences. (Exhibit KG13)

Signature of Witness: *Kgrains*

Dated: 04/05/2019

This statement complies with the Criminal Justice Act 1967 S.9; Magistrates Court Act 1980, ss.5A(3)(a) and 5B; Criminal Procedures Rules 2005, rule 27.1

Version: 28 August 2020

Exhibit Labels

This is the exhibit **XX01** referred to in the witness statement of

.....

Dated (**xx/xx/xxxx**)

Signed

This is the exhibit **KG01** referred to in the witness statement of

Katie Griffiths

Dated (**04/05/2019**)

Signed *KGriffiths*

- All letters and documents sent or received during the prosecution period are considered exhibits. They will be referred to in the witness statement and therefore numbered as individual exhibits accordingly. This is done by using the statement writers' initials and numbering from XX01 upwards.
- Each page of every exhibit must be labelled
- Try to avoid covering up any of the evidence with the label

What happens next?

Your pack will be allocated to an AEO to QA and ensure it is court ready, they will consider the following-

- Re-check that the prosecution period is within legal timescales
- Read through the S9-Witness statement and accompanying exhibits to ensure they are numbered correctly
- Check for accuracy
- They will check our records and LCS for historic and current involvement that we may need to consider
- They will check siblings and parent details
- They will consider the evidential stage test





School Attendance S444 Education Act 1996

- **Section 444 (1):** a parent is guilty of an offence if their child fails to attend school regularly
- **Section 444 (1A):** a parent is guilty of an offence if they know their child is failing to attend school regularly, and fails to ensure the child to do so

School attendance offences are criminal offences, and the Local Authority must prove the case using the ‘beyond reasonable doubt’ threshold based on the evidence provided by the school

Section 444 – The child shall not be taken to have failed to attend regularly at the school by reason of his absence from the school if:

- 01 The absences were authorised by the Head teacher
- 02 The absences were due to the child's illness (sufficient medical evidence is required)
- 03 The absences relate to religious observance for the faith that the family belong to
- 04 The child lives more than 2/3 miles from the local school and the local authority has failed to provide transport

If a parent is charged with the more serious S444 (1a) offence, they have an additional defence if they can prove that they **had reasonable justification** for their failure to cause the child to attend regularly. This is for the parent to prove but it is crucial that the Local Authority have evidence to show parental failure to secure attendance as well as knowledge of the absence.

How we make our decision

Once the AEO is happy the pack is court ready they will list to discuss the case with the AEM at an ATP panel, we will then consider the following-

- Based on the information available including consideration of any previous offences, history of intervention and safeguarding concerns, is it in the Public interest to proceed with legal action?
 - We will consider if the parent has been prosecuted before, what the charge was previously what was the sentence imposed by court
 - We will consider the age of the pupil
 - If the pupil has any siblings? Is there attendance being impacted or could there be an impact in the future?
 - Has the parent(s) engaged
 - We will consider the level of absence
- Level of prosecution proposed
 - In order to secure a S1(a) conviction we must consider how the evidence demonstrates that the knowledge and reasonable justification elements have been secured
- Education Supervision Order consideration
 - All cases that we proceed with prosecution must be considered whether an ESO should be sought

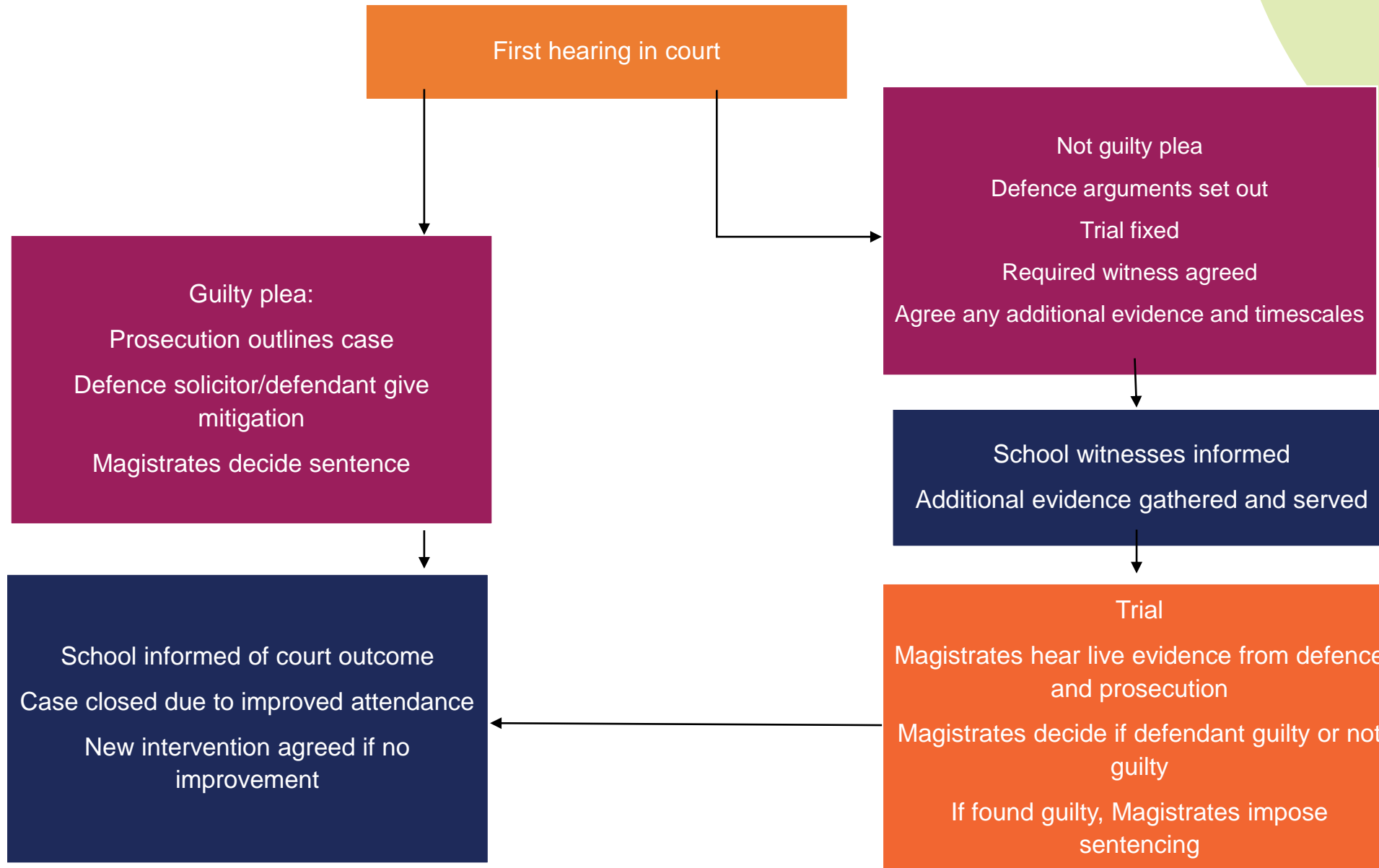


The Magistrates Court



School Attendance and Prosecution

- A total of 450 cases were recorded as entering the Fast Track process last academic year, 69 prosecutions were conducted by the LA as a consequence of this process
- School attendance offences are criminal offences
- Cases are heard in the Magistrates Courts, currently 3 in Norfolk (Great Yarmouth, Norwich and King's Lynn)
- Magistrates are lay people but receive legal advice from an impartial legal advisor in court who ensures that the law is correctly applied
- Parents can represent themselves in court or instruct a solicitor if they have been charged with S444 (1)
- Defendants can access a duty solicitor or may be entitled to legal aid if they have been charged with S444 (1A) because the maximum sentence is 3 months custodial sentence
- School attendance cases are heard alongside other 'private' prosecutions such as animal welfare, council tax evasion, fishing license and planning issues
- **The LA historically was always the second highest non-CPS court user after TV licensing**



Preparing to come to court

Preparing to
come to court

**Magistrates'
Court**



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C



Giving live evidence at trial

Things to consider:

- Knowledge of the case
- Dress
- Remember it is not personal and you are not on trial. The Magistrates know you are at court in a professional capacity
- Direct all your answers to the Magistrates and speak loudly and clearly
- If you are unsure of how to answer a question, simply state you don't know or cannot recollect.
- You will usually be allowed to refer to your witness statement
- The legal counsel, representative of the Attendance Team and court staff are all there to support and guide you through the experience

Magistrates Sentencing Guidelines

- The sentencing council produces sentencing guidelines for all offences
- They are based on the maximum and minimum sentences as set out in law
- They are designed to assist Magistrates in assessing the severity of cases and appropriate sentencing
- They are used to create consistency in sentencing across England
- Magistrates can set outside of the sentencing guidelines but must give clear rationale for doing so

Maximum Penalty:
Level 3 fine for a S444 1 (parent fails to secure regular attendance at school)
Level 4 fine and/or 3 months for a S444 1a (parent knowingly fails to secure regular attendance at school)

Offence range:
S444 1 –
Conditional discharge to Band C fine
S444 1a – Band A fine – High level community order

Triable only summarily
(means can only be heard in Magistrates court)

What happens after court?

- We will always share the court outcome with schools once the matter has concluded in court
- The AEO has been the LA prosecutor in court will often call you to discuss outcome and any agreed actions or provide advice about how to move forward following the court outcome
- A Fast Track closing will not stop the requirement for ongoing support and intervention. It can be several months before a case is concluded in court. Schools must be mindful about new interventions ensuring that we are effectively planning and offering continuing support to pupils and their families
- If an ESO's has been considered appropriate at panel the AEO assigned will be in touch to discuss how this will progress. An ESO can run alongside a court prosecution





Further support and guidance can be found at:

- [School attendance - Schools \(norfolk.gov.uk\)](https://www.norfolk.gov.uk/school-attendance)

If you have any further questions that have not been answered today, then please contact the Attendance Team on 01603 233681 or at

csattendance@norfolk.gov.uk