

Education Safeguarding

Prosecution Team

The team

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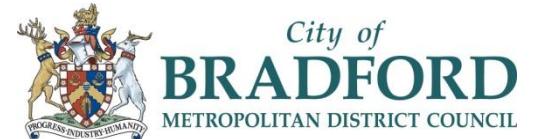
Unauthorised Leave of Absence in term time

- All referrals via the portal
- Ensure all documentation is uploaded including a SIGNED attendance certificate
- Letter templates on BSO
- Full names and address' added
- Consider who took the child away
- If further information is required, please respond as soon as possible. The case will not progress if no response is received
- Ensure the pupil is SSA
- Select the correct reason - LOA ATT UA

- Consider how information is inputted – capital letters, typo's ect. This information may be transferred to the PN
- Where we receive a request in relation to a period of leave of 20 school days, this request will automatically be escalated to a prosecution, no penalty notice will be issued. If a school wishes for the matter to be dealt with via a penalty notice, please ensure this is clearer stated in the "Additional Information" section of the Penalty Notice Request.

Staged Intervention Process

Education Safeguarding Prosecution Team



Stage 1

- Early intervention
- Between 10 - 20 sessions of unauthorised absence in a recent 10-week period
- Letter templates on BSO
- As a minimum, the Attendance Support Meeting should take place within the 10-week period the penalty notice request relates to.
- Notice To Improved issued with a clear date
- Evidence of further UA following the date on the NTI

Consider

- Has the parent been regularly contacted by the school to establish the reasons for absence or is there established parental non-engagement in response to phone calls, letters or invitations to school-based meetings?
- Could there be underlying issues which need to be explored with the parents at the attendance support meeting to identify if any support is required?
- When parents are separated and do not live at the same address, establish how much involvement each parent has in caring for the child/ren. If one parent has little involvement, consider whether it is in the public or family's interest to issue a fine to both parents.

The Portal

- No need to complete a paper referral
- All evidence is uploaded to the portal e.g copies of ALL letters including Notice To Improve and a signed attendance certificate
- Schools can track the process and amend/withdraw if necessary
- Portal is used for LOA, ATT & EXT Leave requests
- Please check requests for further information and reply in a timely manner. If no reply referrals will be rejected
- Ensure names and address' are correct and full names are added to the portal
- For Poor Attendance Penalty Notices, the period you would need to include must be at least 10 weeks (100 sessions) long and include 10 to 20 sessions of unauthorised absences.

Stage 2

- PA student – attendance below 80%
- 20 plus unauthorised absence sessions in recent 10 weeks
- Support first!
- All intervention noted on Tracking Form
- Schools MUST use LA letters
- Attendance Contract
- ASO checklist prior to referral
- Pre-PACE meeting

Stage 3 Pre-PACE Meetings

- From September '24 ASO's will be expected to carry out pre-PACE meetings with schools prior to school referring for legal intervention.
- To ensure that the investigation is as speedy as possible, the school should ensure the Stage 3 request is completed thoroughly
- The Criminal Investigation process is a minimum 2 step process which involves the examination of evidence presented to the local authority by the school together with the questioning of the parent. The aim of the investigation is to establish whether or not an offence has been committed, and if the council establishes that an offence has been committed, the parent/carer(s) will then be formally made aware (notified) of this and requested to attend an Interview Under Caution as a last opportunity to disclose any further information before the council instigates legal action.
- If at any point during the Criminal Investigation process an additional need is raised that is currently unmet, or support for that need has not been sought, then the investigation will cease and the case returned to Stage 2 intervention.

Interview Under Caution Issues

- Parents attend the meeting with information we are not aware of
- Evidence provided at IUC
- Parents state cannot communicate with school
- Needs of the pupil not being met
- Parents state not aware of the process
- Support agencies not aware of referral for legal action
- Referrals not considered to agencies
- MNHES & EBSA not considered
- Schools feeling frustrated when cases are returned

Points to Consider

- Have school followed the LA's process for poor attendance and used LA letters
- Does the school have a clear school attendance policy which all staff, pupils and parents understand
- Have school considered ALL areas of support. Not just a box ticking exercise
- EBSA or poor parenting?
- Have school considered and can evidence referrals to suitable agencies
- Have referrals been made for support and time given for support to be carried out
- Are all parents aware of poor attendance – have school tried to engage with all adults involved (including professionals)
- Childs voice where appropriate.

Don't Forget!

- The Criminal Investigation process focusses on a set period of pupil attendance/absence which ends on the date that a Stage 3 request is made by a school. Once a Stage 3 request is made, the expectation is that the school (or an officer working on their behalf) will restart their interventions at Stage 1 on the next school day. Any further absences after a Stage 3 request may result in a further offence(s) being "***taken into consideration***" by the Magistrates Court should the investigation lead to a criminal prosecution.

Communication

- Schools will receive an automated response confirming that the prosecution team have received the referral
- The team will then contact schools prior to an IUC requesting any new information
- Following the IUC the team will inform schools of the outcome of the meeting
- Where prosecution is pursued the team will not share the court outcome as this is privileged information.

Points to consider

- **If a case goes to court and the parent pleads not guilty...** In this situation, the headteacher and/or attendance lead **MUST** provide a statement to the court with information relevant to the situation and will be required to give evidence in court. Our prosecution team will support you with this, and it is not a complicated task, but we have had a very small number of issues with this recently. If a school refuses to provide a statement, this undermines criminal procedure rules, and will leave us with no choice to refuse to undertake any school attendance enforcement tasks until the situation is resolved.

DATA

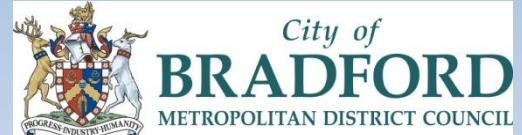
- Academic year 2023/24
- PN's 10,179 LOA, 887 poor attendance
- 359 stage 2 referrals
- 363 Interviews under caution
- 1550 cases heard in the Magistrates Court

This Year

September - May

- PN 's issued – 8112
- PN's paid - 5293
- PACE Interviews – 283
- Cases heard in court - 1256

Bradford Schools Online



Contact Info

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Bradford Schools Online - [Poor Attendance - Staged Intervention Process | Bradford Schools Online](#)

[Penalty Notices - Absences taken after 17th August 2024 | Bradford Schools Online](#)