

# Attendance Support Team

Witness Statements & Holiday/Fixed  
Penalty Notices

Session 3

28 June 2023



# Welcome



# Attendance Support Team

## **Team Leaders**

Rochelle Isaac-Simon

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## **Attendance Support Officers**

Sally Edwards

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## **Attendance Support Officer (MASH)**

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## **Penalty Notice Officer**

Brandon EWu

## **Head of Education for Vulnerable Children**

Kathryn Angelini



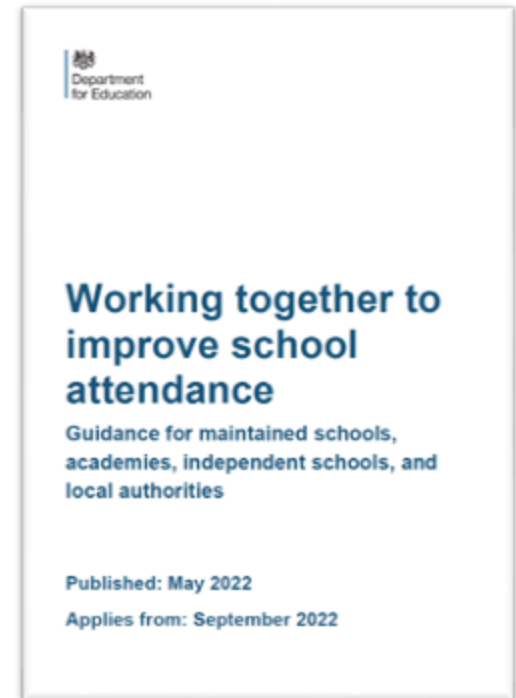
# Objectives

- To develop an understanding of the contents regarding Witness statements
- To identify the responsibilities of the school in preparing witness statements to ensure successful prosecution
- To develop an understanding of government guidelines regarding unauthorised exceptional leave
- To identify the responsibilities of the school in responding to exceptional leave requests and challenging where appropriate
- To be able to have clear information on exceptional leave requests embodied in the Whole School Attendance Strategy
- To be able to complete well evidenced case work ahead of a referral to the Attendance Support Team for legal intervention

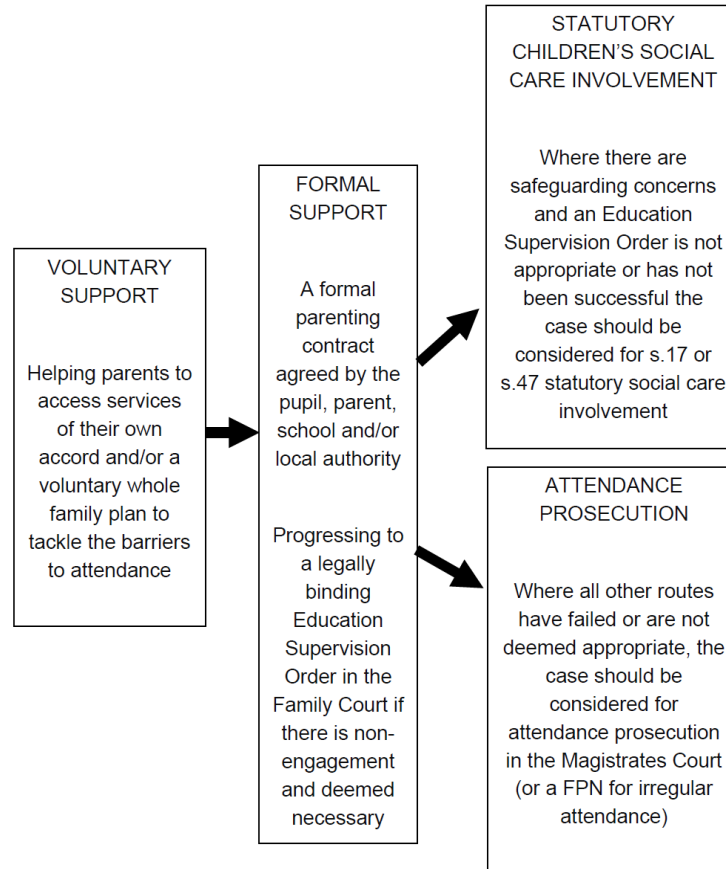


# Working together to improve school attendance

- Improving attendance is everyone's business
- Education is a legal requirement for all children of compulsory school age
- Expectations of schools



# Attendance interventions



# When should legal intervention be used?

- Once the individual circumstances of the family have been considered
- Once the full range of attendance interventions have been completed by the school
- Where it is clear it will change parental behaviour



# Range of legal interventions used by the Attendance support team

## Range of legal interventions

- Education Supervision Orders (ESO)
- Parenting Orders
- Fixed penalty notices
- Building attendance into child in need or child protection plans where relevant
- Taking forward attendance prosecutions including for persistently breaching as a last resort where all other routes have been exhausted or deemed inappropriate.





# What is a witness statement?

- It is a formal document
- A personal account of an event
- Contains facts of a case
- The equivalent of oral evidence
- A record of evidence
- Evidence that is referred to at court and used in a trial

**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9, Magistrates Courts Act 1980, s.5B)

Statement of: (enter your full name including title)  
Age of Witness (if over 18 enter "Over 18"): Over 18  
Occupation of Witness: (enter your occupation)  
Address: (enter the schools full address)  
Telephone Number: (enter the school's telephone number)

This statement consisting of XX 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.

Dated the (number of the month) day of (month) (year) Signed.....

I am employed as an (enter your occupation) with the (enter school name) since (enter date). My duties include working with families and pupils in order to assist in dealing with and overcoming problems of non-school attendance.

PUPIL: (enter child's full name)  
DOB: (enter child's date of birth in the following format XX.XX.XXXX)  
ADDRESS: (enter child's full address including postcode)  
SCHOOL: (enter the school name)  
PARENT(S): (enter the parent(s) full name including title)

Section 7 of the Education Act 1996 places a legal obligation on a child's parent to ensure that they receive an education whether by attendance at school or otherwise.

If a parent elects to register their child at a school to receive an education but fails to ensure that the child attends school then they are guilty of an offence contrary to Section 444 (1) of the Education Act 1996. In addition, if they are aware that the child is not attending and do not have reasonable justification for the child's non-attendance they commit the more serious offence contrary to Section 444(1A) of the Education Act 1996.

The School Attendance Support Team is bringing the matter to Court because it has evidence that insert child's name ..... 's mother / father Mr(s)/Miss/Ms insert full name....., is failing to ensure that child's name .....receives full time education contrary to Section 444 (1) of the Education Act 1996.

The Local Education Authority brings this case under s.444 (1/1A) of the Education Act 1996.

Signed:  
Dated:



# The purpose of the witness statement

- To provide written evidence of a witness
- Provide an account of your version of an event
- A signed formal document by the witness confirming that the contents of the statement is true
- To set the scene
- Not to argue the attendance matter



# Statement of truth

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9, Magistrates Courts Act 1980, s.5B)

**Statement of:** (enter your full name including title)

**Age of Witness** (if over 18 enter "Over 18"): Over 18

**Occupation of Witness:** (enter your occupation)

**Address:** (enter the schools full address)

**Telephone Number:** (enter the school's telephone number)

This statement consisting of **XX** 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.

Dated the (number of the month) day of (month) (year) Signed.....

I am employed as an (enter your occupation) with the (enter school name) since (enter date). My duties include working with families and pupils in order to assist in dealing with and overcoming problems of non-school attendance.



# Evidence in a witness statement

- Background of the case
- Relevant events
- Steps taken to resolve attendance prior to the court proceedings
- Hearsay evidence cannot be included



# Contents of a witness statement

- Contents will be relied upon at trial
- The witness can be “cross-examined” on their statement by the defendant’s legal team if it goes to trial
- Ensure that you feel completely comfortable with the content and the wording of your witness statement
- Only include information within your own knowledge and own dealings
- Stick to the facts and not speculate on what might have happened or why something went wrong
- Relevant facts are to be included



# Format of a Witness statement

## STATEMENT OF WITNESS

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9, Magistrates Courts Act 1980, s.5B)

**Statement of:** (enter your full name including title)

**Age of Witness** (if over 18 enter "Over 18"): Over 18

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Dated the (number of the month) day of (month) (year) Signed.....

I am employed as an (enter your occupation) with the (enter school name) since (enter date). My duties include working with families and pupils in order to assist in dealing with and overcoming problems of non-school attendance.

**PUPIL:** (enter child's full name)

**DOB:** (enter child's date of birth in the following format XX.XX.XXXX)

**ADDRESS:** (enter child's full address including postcode)

**SCHOOL:** (enter the school name)

**PARENT(S):** (enter the parent(s) full name including title)

Section 7 of the Education Act 1996 places a legal obligation on a child's parent to ensure that they receive an education whether by attendance at school or otherwise.

If a parent elects to register their child at a school to receive an education but fails to ensure that the child attends school then they are guilty of an offence contrary to Section 444 (1) of the Education Act 1996. In addition, if they are aware that the child is not attending and do not have reasonable justification for the child's non-attendance they commit the more serious offence contrary to Section 444(1A) of the Education Act 1996.

The School Attendance Support Team is bringing the matter to Court because it has evidence that **insert child's name**.....'s **mother / father** **Mr(s)/Miss/Ms** **insert full name**....., is failing to ensure that **child's name** ..... receives full time education contrary to Section 444 (1) of the Education Act 1996.

**The Local Education Authority brings this case under s.444 (1/A) of the Education Act 1996.**

**Signed:**

**Dated:**

## (enter school name) INVOLVEMENT

1. The (enter family name) family have been known to (enter school name) since (enter date of first involvement). (Exhibit history / chronology of your actions within last 6 months leading up to panel i.e., warning letters, panel invite, telephone conversations etc include dates and exhibit any letters)
2. (Enter school name) has been attempting to work with (enter parent's full name) in an effort to improve (enter child's first name) school attendance but without success.
3. A School Attendance Panel meeting was held on the (enter date of Panel Meeting) which (enter parent's name) did/did not (delete whichever is applicable) attend. The following decisions were made, that (enter parent's name) must ensure that (enter child's first name) attends school every day and on time for registration, provide medical evidence to the school if absence is due to illness and contact (enter school name) should there be difficulties with these issues. (N.B. it is important that the decisions correspond with the above, otherwise amend accordingly).
4. This matter was to be reviewed on the (enter date of Review meeting) and if there was no improvement a Penalty Notice may be issued or proceedings taken. A copy of the Parenting Contract/School Attendance Panel Agreement (delete whichever is applicable) was sent to (enter parent's name) by post on the (enter date of letter enclosing decision) accompanied by the letter marked ("enter your initials and exhibit number").
5. On the (enter date of Review) (enter child's first name) school attendance was reviewed but as there had not been sufficient improvement a Penalty Notice in respect of (enter child's name) failure to attend school regularly during the period (enter period in Penalty Notice) was issued to (enter parent's name) but (enter parent's name) failed to pay the amount of the penalty. I now produce a copy of the Penalty Notice dated the (enter date of Penalty Notice) marked ("enter your initials and exhibit number").
6. Between (enter date first date of Penalty Notice) and the (enter final date of Penalty Notice), it would have been possible for (enter child's first name) to attend school on a total of (enter number of sessions the child should have attended school) occasions but only managed to attend on (enter number of sessions the child actually attended school) occasions with (enter number of authorised absences in sessions) absences being authorised by the school. During this period (enter child's first name) was absent from school (enter number of times child absent from school in sessions) times. I now produce a copy of the school attendance record for this period for (enter child's first name) which has been certified as required under section 556 of the Education Act 1996 by the Head Teacher of the school and marked ("enter your initials and exhibit number").

**Signed:**

**Dated:**



# The offence statement

6. Between (enter date first date of Penalty Notice) and the (enter final date of Penalty Notice), it would have been possible for (enter child's first name) to attend school on a total of (enter number of sessions the child should have attended school) occasions but only managed to attend on (enter number of sessions the child actually attended school) occasions with (enter number of authorised absences in sessions) absences being authorised by the school. During this period (enter child's first name) was absent from school (enter number of times child absent from school in sessions) times. I now produce a copy of the school attendance record for this period for (enter child's first name) which has been certified as required under section 556 of the Education Act 1996 by the Head Teacher of the school and marked ("enter your initials and exhibit number").

**Signed:**

**Dated:**

# Supporting evidence - exhibits

## Exhibits

- Used to refer to documents in a witness statement
- Evidence referred to as documents in your witness statement should be collated in a supporting exhibit.

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**JB1**

This is the Exhibit "JB1" referred to in the Witness Statement of Joe Bloggs and dated the **XX.XX.XXXX**

Signed: .....

**Dated:** **XX.XX.XXXX**





# Process for legal action in a Magistrate Court

- Prior to referral please ensure that:
- You have discussed the case with your allocated attendance support officer
- The attendance support team receive the referral within 28 days of the penalty notice remaining unpaid or within 28 days of the attendance meeting review date if the offence is under section 444 1A
- All forms of support/evidence has been collated as part of your referral as exhibits such as the Parenting contract or Attendance panel agreement, letters to parents, minutes from meetings or letters from other agencies
- The witness statement has been completed and exhibits included
- Complete a referral to the Attendance support Team via stronger families once discussion with your allocated Attendance Support Officer has taken place: not via email
- Attach all the relevant documents.
- Referrals will still be made via [Stronger Families - Hillingdon Council](#)



# Possible outcomes of legal action

- S444(1) offence – up to £1000
- S444(1A) offence – up to £2500 and a prison sentence of up to 3 months
- Conditional discharge
- Absolute discharge



# Attendance Support Team

## Holiday/fixed Penalty Notices



# The purpose of fixed penalty notices

- Issued to parents as an alternative to prosecution
- Can be used by all schools with the exception of independent schools where absences have not been authorised
- Can be issued to each parent liable
- Should only be used where a fixed penalty notice is deemed likely to change parental behaviour, support to secure regular attendance has been provided and has not worked or been engaged with
- Or would not have been appropriate in the circumstances of the offence (e.g. an unauthorised holiday in term time).



# Attendance Policy

As a minimum it should detail:

- The attendance and punctuality expectations of pupils and parents
- The name and contact details of the senior leader responsible for the strategic approach to attendance in school
- Information and contact details of the school staff who pupils and parents should contact about attendance on a day-to-day basis
- The school's day to day processes for managing attendance
- How the school is promoting and incentivising good attendance
- The school's strategy for using data to target attendance improvement efforts to the pupils or pupil cohorts who need it most.
- The school's strategy for reducing persistent and severe absence and when support will be formalised in conjunction with the local authority.
- **The point at which Fixed Penalty Notices for absence and other sanctions will be sought if support is not appropriate (e.g. for an unauthorised holiday in term time), not successful, or not engaged with.**



# Exceptional leave during term-time

- Only exceptional circumstances
- If granted, it is for the headteacher to determine the length of the time the pupil can be away from school
- Unlikely a leave of absence will be granted for the purposes of a family holiday.
- Where a leave of absence is granted for the purpose of a holiday, the school will determine the number of days a pupil can be absent and is granted entirely at the headteacher's discretion. Code H should be used in this circumstance
- Code G should be used where leave of absence has been taken for the purpose of a holiday or the child is kept away longer than the period of leave granted.
- Cannot grant leave retrospectively



# Issuing fixed penalty notices

- Can only be issued by a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police
- may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first 5 days of a fixed period or permanent exclusion



# Payment of fixed penalty notices

- The penalty is £60 if paid within 21 days of receipt, rising to £120 if paid after 21 days but within 28 days
- Paid direct to the local authority.
- If the penalty is not paid by the end of the 28 day period, the local authority will decide either to prosecute for the original offence to which the notice applies, or withdraw the notice
- Parent(s) can only be prosecuted if 28 days have expired and full payment has not been made.
- There is no right of appeal by parents against a fixed penalty notice.
- Monies collected through fixed penalty notices can only be used for the administration of the fixed penalty notice system. Any surplus at the end of the year must be returned to the Secretary of State.





# How to refer for an HPN

Prior to referral via LEAP please ensure that:

- The pupil is of statutory school age: non –stat pupils cannot receive a penalty notice
- An original copy of a registration certificates accompanies the referral covering the period of unauthorised exceptional leave
- The unauthorised period of leave has been coded 'G' in the attendance register and 'present' mark shows the pupils return
- No 'N' marks are to be present on the attendance register submitted
- Registration certificates are to be signed by the head teacher of the school and the original copy submitted with the following statement at the bottom in ink pen:

*"I (full name) Headteacher of (school) certify that this is an accurate record of (child's full name) attendance. (Signed and dated)"*



# How to refer for a HPN

Prior to referral via LEAP please ensure that:

- Send a copy of the parent's request for leave during term-time if made
- Provide a copy of the decline letter from the school to the parent following the request or when the unauthorised leave became knowledge to you
- request the booking confirmation details for the flights and flight tickets to assess if the leave was an emergency
- For deaths abroad a death certificate should be provided and for medical emergencies abroad, medical evidence
- New email address for September 2023  
[penaltynotices@hillington.gov.uk](mailto:penaltynotices@hillington.gov.uk)



# Attendance Support Team

A referral for a HPN will be rejected if:

- It has not been received within 14 days of the child returning
- There are less than six sessions
- The registration certificate does not display the 'G' code for the unauthorised exceptional period of leave taken
- The registration certificate does not display a 'present' mark showing the pupils return
- The registration certificate has not been signed by the headteacher using the following statement in Italics and the original copy submitted with the following statement at the bottom in ink pen:

*"I (full name) Headteacher of (school) certify that this is an accurate record of (child's full name) attendance. (Signed and dated)."*



# Contact details

Email: [attendancesupport@Hillingdon.gov.uk](mailto:attendancesupport@Hillingdon.gov.uk) or your allocated Attendance Support Officer.

