

Attendance and Engagement

Prosecution

Your Questions Answered

Failing to secure your child's regular attendance at school. Education Act 1996 Section 444(1A)

require you to complete a given number of hours unpaid work. Given a conditional discharge.

- This means that if you commit a similar offence during the period of the suspended sentence, the original offence and sentence will be taken into consideration by the court when sentencing on the later offence. A conditional discharge can last up to three years at the discretion of the Magistrates.
- Given an absolute discharge, as although the case may be proved, the Magistrates are of the opinion that you have done everything in your power to improve the situation
- A combination of the above as felt necessary by the Magistrates.

What happens after the court proceedings?

Your Attendance and Engagement Officer will continue to support your efforts to ensure your child attends school regularly and punctually.

Can I be taken back to court?

You will be required to attend review meetings, six weeks, twelve weeks, three months, six months and twelve months after the court hearing and if your child's attendance falls below a satisfactory level you may be taken back to court.

Where can I find help?

Contact the Attendance and Engagement Service, the contact details are listed below:-

Central Area—(Oxford)

Knights Court
Cowley
Oxford
Tel: 01865 323444

North Area—(Banbury, Bicester, Chipping Norton, Witney, Eynsham,, Burford, Woodstock, Kidlington)

Samuelson House
Banbury
Oxon
Tel: 01865 816666

South Area—(Abingdon, Didcot, Faringdon, Wantage, Henley, Thame)

Foxcombe Court
Abingdon
Oxon
Tel: 01865 323513

Information is also available on the Internet at www.oxfordshire.gov.uk
Oxfordshire County Council's website

www.oxfordshireservicesdirectory.org.uk
Directory for parents/carers and people working with children

Aug 2010

Why can I be prosecuted?

Schools and the Attendance and Engagement Service work together to identify poor school attendance and support children and their families to improve this. If you fail to ensure that your child attends school, punctually and regularly, you have committed an offence. Under these circumstances the Local Authority may decide to initiate legal proceedings against you. If you have been prosecuted before, the Local Authority may decide to go for a higher tariff. If you are being prosecuted on the higher tariff you will be invited to a Police and Criminal Evidence meeting to which you are able to bring a friend or a legal representative. At the meeting you will be:

- Asked a number of questions and your answers will be written down.
- Asked to read what has been written and sign the form.
- Asked to leave the meeting and the professionals will decide if legal action should be taken.
- Informed of the decision in writing.

What will happen?

You will receive a letter from your Attendance and Engagement Officer informing you that legal action is being taken. You will then receive a summons, informing you of the time and date you must attend the local Magistrates Court.

What should I do when I receive the summons?

You are advised to seek legal advice from a solicitor who will consider your defence and advise you how to plead.

What will happen next?

The Attendance and Engagement Officer may be in contact with you during the period between the summons being issued and the court date and he/she will be able to answer any questions you might have, but **cannot** tell you how to plead.

What will happen in court?

When you enter the Magistrates' Court building you must register your attendance with the usher and then wait for your case to be called.

The clerk/usher or your solicitor will inform you where to stand when you enter the courtroom. The clerk will ask you if you plead guilty or not guilty.

If you plead guilty the case is usually heard there and then. The Local Authority representative will give their evidence. You and your representative will then have an opportunity to give your mitigating evidence (reasons) to the Magistrates. The Magistrates will then go out (retire) and consider their decision.

If you plead not guilty the case will be adjourned (postponed) for a trial to be

held at a later date when the case can be heard fully. At the trial you will be required to provide evidence in support of your defence and you or your representative will have an opportunity to question the Attendance and Engagement Officer's evidence. The Magistrates will then go out (retire) and consider their decision.

What happens if I do not attend court?

If you are unable to attend court for medical reasons you must inform the court by telephoning 0870 241 2808 and provide medical evidence. If you fail to inform the court of the reason for your absence, another hearing date will be arranged

What are the penalties if I am found guilty of an offence?

If you are found guilty you could be:-

- Fined to a maximum of £2,500 for each parent/carer
- Given a term of imprisonment of up to three months.
- Made the subject of a Parenting Order. This means the Education Social Worker will consult with you in the completion of a report submitted to the court. If the Order is granted you will then be expected to comply with the directions of the order, one of which will be to attend Parenting Classes.
- Given an Unpaid Work in the Community Order, which would