**Authorisation To Prosecute Form**

**For the consideration to a prosecution under the Education Act 1996 Section 444**

**EWO Name:** [Type here]

Details of each Parent/Carer subject to prosecution, in order to obtain an Arrest Summons Number. Legal proceedings cannot be instigated under S 444 (1A) without this information.

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Date of Birth** | **Address and Contact Details** | **Relationship to Child** |
|  |  |  |  |
|  |  |  |  |

Details of child(ren) who is/are subject(s) of the prosecution:

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Date of Birth** | **School** | **EMS Number** |
|  |  |  |  |
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Details of any other adults in the household or those with Parental Responsibility and reasons why they are not being prosecuted

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| --- | --- | --- | --- |
| **Name & Address** | **Relationship to Child** | **Reason for Exclusion from Legal Proceedings** | **Have they been contacted by EWO/AAO (yes/no & explain)** |
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Any other children of compulsory school age in the family and reasons why they are not also subjects of the prosecution (including details of attendance)

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| --- | --- | --- | --- |
| **Name** | **Date of Birth** | **School** | **Reason not included** |
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Details of any previous convictions for Non regular school attendance for anyone subject to this prosecution.

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| --- | --- | --- | --- |
| **Name** | **Name of child subject of prosecution** | **Approx. date of prosecution** | **EWO or FPN** |
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EWO Checklist - ATP **will not** be accepted for panel without the following being completed:

|  |  |
| --- | --- |
| **Action** | **Completed (tick or cross in the box)** |
| Completed ATP form that has been signed off with comments by School/Academy |  |
| Comments of other professionals involved |  |
| Completed section 9 signed |  |
| Copies of **all** exhibits to accompany Section 9 |  |
| Certificate of Attendance signed by the Head Teacher |  |
| Any Parental mitigation or medical evidence |  |
| Evidence of work completed by the school including supporting exhibits (record of calls, letters sent) |  |

**Attendance**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Action** | **Date** | **Attendance %** | **Number of unauthorised absences** | **Additional Comments** |
| Referral Received from School |  |  |  |  |
| Attendance Agreement signed |  |  |  |  |
| Final Warning Letter Sent |  |  |  |  |
| FPNs this academic Year |  |  |  |  |

|  |  |
| --- | --- |
| Number of Letters sent to parents |  |
| Number of Meetings Arranged |  |
| Number of Meetings Attended by parent |  |

**LEGAL CHECKLIST**

*Guidance Notes:*

1. *Parent’s lack of co-operation in Q1 would indicate the need to consider court action*
2. *A majority of ‘Yes’ in q2 would indicate no prosecution or consider an ESO*
3. *Sections 1, 2 & 4 ay highlight mitigating or aggravating factors (S444 1 or 1A) [For 1A, we must prove that the parent was aware the child was not in school]*
4. *A majority of mitigating factors might suggest that court action or an application for an ESO*
5. *Several ‘Not Sure’ answers would indicate that further enquiries are needed*

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| --- | --- | --- | --- | --- |
| **Q1** | **Parental Co-Operation** | **Y** | **N** | **Comment** |
|  | Do parents respond to EWO advice? |  |  |  |
|  | Is parent able to exercise control of child? |  |  |  |
|  | Is parent seeking outside help/advice? |  |  |  |
|  | Does parent provide justifiable reasons for absences? |  |  |  |
|  | Does parent provide medical notes? |  |  |  |
|  | Is parent supportive of school (i.e. detentions/homework/uniform) |  |  |  |
|  | Is parent fully aware of absences? |  |  |  |
|  | Has the parent done everything possible to ensure regular school attendance of their child at school? |  |  |  |
|  |  |  |  |  |
| **Q2** | **Any Other Factors** | **Y** | **N** | **Comment** |
|  | Does parent have learning/language difficulties? |  |  |  |
|  | Does parent have a diagnosed physical disability or mental health problem? |  |  |  |
|  | Is there evidence of drug/alcohol use? |  |  |  |
|  |  |  |  |  |
| **Q3** | **Pupil Factors** | **Y** | **N** | **Comment** |
|  | Does pupil have a medically diagnosed recurring medical condition? |  |  |  |
|  | Is the pupil involved in drug or alcohol use? |  |  |  |
|  | Are there any identified issues not addressed by the school? |  |  |  |
|  | Are there any identified issues not addressed by other agencies? |  |  |  |
|  | Is the pupil involved in offending or anti-social behaviour? |  |  |  |
| **Q4** | **Other Factors** | **Y** | **N** | **Comment** |
|  | Does the pupil’s absence affect the attendance of other pupils? |  |  |  |
|  | Does the pupil’s absence affect siblings? |  |  |  |
|  | Are there previous convictions due to this child or siblings? |  |  |  |
|  | Is there a current Conditional Discharge or Parenting Order? |  |  |  |
|  | Will the parent(s)/carer(s) work with the EAS to improve attendance? |  |  |  |

**Involvements**

What pre-referral work has been undertaken by the school? (and what was the outcome?)

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| **Actions** | **Outcome** |
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Details of other professions involvement including outcomes, Liquid Logic ref, (include details of declining support or failing to engage)

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| --- | --- | --- |
| **Team** | **Key Worker** | **Comments** |
| **HEALTH** (including GP; CAMHS, School Nurse, Adult Mental Health Service) |  |  |
| **Social Care Team** |  |  |
| **Other Education Professionals** (including PRU; AT, EP, SNO, LOB, Inclusive Services) |  |  |
| **YOS / Police** |  |  |
| **Special Educational Needs** (indicate if School Action/School Action +/EHCP) |  |  |
| **Other Agencies** (eg Suffolk Young Carers) |  |  |

Has parent been offered and/or attended a Parenting Programme? (if no, please explain)

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| --- | --- | --- |
| **Programme Offered** | **Attended Y/N** | **Comment** |
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What support has been offered to the family by the Academy/School? (please include written copies of logs and other documents).

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| --- | --- |
| **Support Offered** | **Outcome** |
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What action(s) have the parent(s)/carer(s) taken to secure the child(ren)s attendance at school?

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| --- | --- |
| **Actions** | **Outcome** |
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|  |  |
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**Childs View** Obtained within 4 weeks prior to ATP submission:

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| --- |
| **Are there any mitigating or difficult family circumstances?** |

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| --- | --- |
| **EWO Comments:** | |
| **Signature:** | **Date:** |

The Academy/School understands and accepts that the decision to follow through with this referral depends upon the evidence available as disclosed to Suffolk County Council who will make the decision to proceed.

Whilst there is no charge for the prosecution, should the matter be directed for a trial, the academy/school has the right to instruct a solicitor or barrister in these matters.

|  |  |
| --- | --- |
| **Academy/School’s Comments:**  *What outcome are the school hoping to achieve for the child/young person? How will a prosecution enable the Child to attend school?* | |
| **Signature:** | **Date:** |
| **Position:** | |

|  |  |
| --- | --- |
| **Family Support Practitioner / Social Worker Comments (if applicable):** | |
| **Signature:** | **Date:** |

|  |  |
| --- | --- |
| **Suffolk Family Focus Education Attendance Manager Comments:** | |
| **Signature:** | **Date:** |

**ATP Guidance Notes**

Completed form to be Emailed to [schoolattendance@suffolk.gov.uk](mailto:schoolattendance@suffolk.gov.uk)

Subject title to include ATP

The Email must consist of the following 4 attachments all paperwork single sided.

1. ATP Form
2. Section 9 + named exhibits
3. Certificate of Attendance + most up to date registration certificate
4. Any other documents you feel appropriate to support ATP panel make their decision

Your case will be added to agenda for the ATP panel meeting at the beginning of the following calendar month. EWOs will be invited to the ATP panel meeting to present their case in person.

Outcomes of ATP panel will be Emailed following the meeting.

If ATP panel agreed to proceed with legal action, then either SJP Paperwork will be sent to family on our next allocated court slot, usually within 2-3 weeks or a request will be made to the magistrate court for a court date.

ATP will be returned to EWO for resubmission if paperwork is incomplete or where there is missing documentation.

**FOR SUFFOLK COUNTY COUNCIL USE**

*Legal proceedings will not be instigated with the ATP Panel (Strategic Lead for Attendance; Lead Attendance Officer; Assistant Lead Attendance Officer & Fixed Penalty Notice and Data Officer considering the case as outlined on this form and reaching agreement.*

|  |  |
| --- | --- |
| Prosecution Agreed | Yes / No |
| Offence | 444(1) / 444(1A) / 444(ZA) |
|  | SJP / Court hearing application |

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| --- | --- |
| **Summons Period** | |
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| Additional Comments including reason for decision: |