

# Legal Intervention: What Happens at Court?

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Living our values every day  




Accountable



Integrity



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# Understanding Witness Roles in Education Act 1996 s444(1A) Prosecutions

Information for school witnesses for unpaid penalty notices  
or for 444(1A) cases proceeding to prosecution



# When s444(1A) Cases Arise

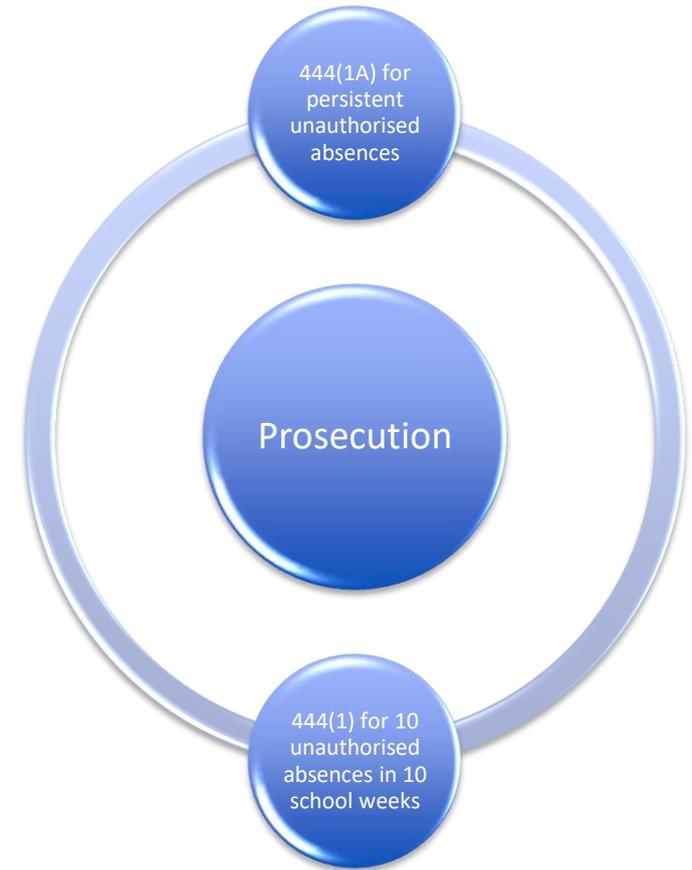
## Two main routes to prosecution

For s444(1) – parents may dispose of the offence by paying the penalty notice.

If they do not, the offence is presented at court to the Magistrates.

For s444(1) and s444(1A), the school will have prepared the witness statement and exhibits for two reasons:

- Third offence withing a rolling 3-year period, or
- Severe absence patterns and a determination that NTIs and PNs will not make the change in parental behaviour



# Overview of Court Process



A parent may:

- Plead guilty by post
- Plead guilty and attend court
- Plead not guilty → triggers trial

**If trial listed, school witnesses required unless the evidence is agreed**

What happens should a parent plead not guilty?

# Who are the Witnesses?



Headteacher/Designated Lead/Attendance Officer: evidence of actions taken in school, conversations, logging of intervention, coding, policies

LA Officer/LOLIE: NTI and/or PN issued, IUC, legal threshold, decision to prosecute

The legal representative reads the summary or witness statements aloud to the Magistrates

When a parent pleads guilty or does not attend court

# Who are the Witnesses?



Headteacher/Designated Lead/Attendance Officer: evidence of actions taken in school, conversations, logging of intervention, coding, policies



LA Officer/LOLIE: NTI and/or PN issued, IUC, legal threshold, decision to prosecute



The witnesses give their evidence aloud to the Magistrates and are cross-examined on the contents and events.  
**You will not read your witness statement aloud.**

When a parent pleads not guilty attending with or without legal representation

# What Your Statement Needs to Cover

## Evidence Required for Unauthorised Holiday or for Leisure-Related Purposes (G code)

- 2025-2026 School Attendance Policy
- Attendance certificate that shows:
  - Absences – 10 within the last 10 school weeks
  - Return to school
  - Name and DOB of student
  - Signature of Headteacher and date signed by them
- Request for leave of absence completed by the parent(s)
- Response to the parent(s) from the school
- When no request was made, the correspondence from the school to the parent(s) requesting for information about the absence, including information about fines and legal intervention
- Any further information you feel we should know.

The witness statement is an accurate chronology of the events that may be read aloud in court

**N.B. this may include reasons for requesting a PN for both parents when they are separated; normally, GCC will only issue to the parent(s) removing the child from school**

# What Your Statement Needs to Cover

## Evidence Required for a Notice to Improve and/or for a Penalty Notice for Other Unauthorised Absences (O codes) or a Combination of Unauthorised Absences (O, U, N and G codes)

- 2025-2026 School Attendance Policy
- Attendance certificate that shows:
  - Absences – 10 within the last 10 school weeks
  - Name and DOB of student
  - Signature of Headteacher and date signed by them
- Copy of the school's central log (e.g. CPOMS/SIMS/Bromcom etc.) focusing on records pertaining to attendance issues; acronyms explained and accessible for reading

- Correspondence to parent(s) that shows:
  - Parent(s) name(s)
  - Address
  - Date sent
  - Reference to legal intervention and potential outcomes
  - Correspondence/communication from the parent(s)
  - Summary of attendance support from the school e.g. meetings/referrals/avenues explored
- Any further information you feel we should know.

**N.B. this may include reasons for requesting a PN for both parents when they are separated; normally, GCC will only issue to the parent(s) removing the child from school**



Best practice would be to include how the school will code the absences e.g., whether you are O or G coding the absence based on the reasons given by the parents.

# What Happens if Parent Pleads Not Guilty?

- Trial date listed
- Witness summons issued if required
- Witness may need to attend court, give clarification, confirm availability
- Non-attendance after summons may result in judicial order



# Expectations for School Staff at Trial

- Attend promptly and report to usher
- Review statement and disclosed documents
- Swear oath and give oral evidence
- Answer questions factually and concisely



# What happens on the day?

- You may refresh your memory about the events before you go into court.
- You will be asked questions about the events.
- You can ask to clarify dates etc.
- You will not have your witness statement in front of you.

Types of questions you will be asked:

What's your name?

Where do you work?

What's your role?

How do you know CHILD?

What do you know about their attendance?

What is your definition of regular attendance?

What did you do when they were not in school on DATE?

# What You May Be Asked in Court

- Coding decisions
- Support/interventions
- Understanding of attendance policy
- Clarification of inconsistencies
- Discussions with parent
- Accuracy of register evidence



# Cross Examination: What to Expect

Challenges to:

- Processes
- Communication
- Support
- Coding





**Stay calm; answer only the question**

**The parent(s) may feel vulnerable and unused to delivering their voice in this arena.**

**Your role has been to ensure that you have followed your policy**

**The Magistrates' Court Staff are experienced in de-escalation measures**

# Role of the GCC Legal Advocate

- Presents case
- Questions witnesses to elicit the information
- Responds to legal challenges
- Briefs you before hearing



# After Giving Evidence

- You may remain or leave once excused
- Outcome: guilty/not guilty/adjourned
- LOLIE informs school of result



# Key Messages for Schools

- Maintain clear, contemporaneous records
- Registers and chronology of events are core evidence
- Document support and communications
- Statements must follow GCC format
- Your role is factual, not adversarial

