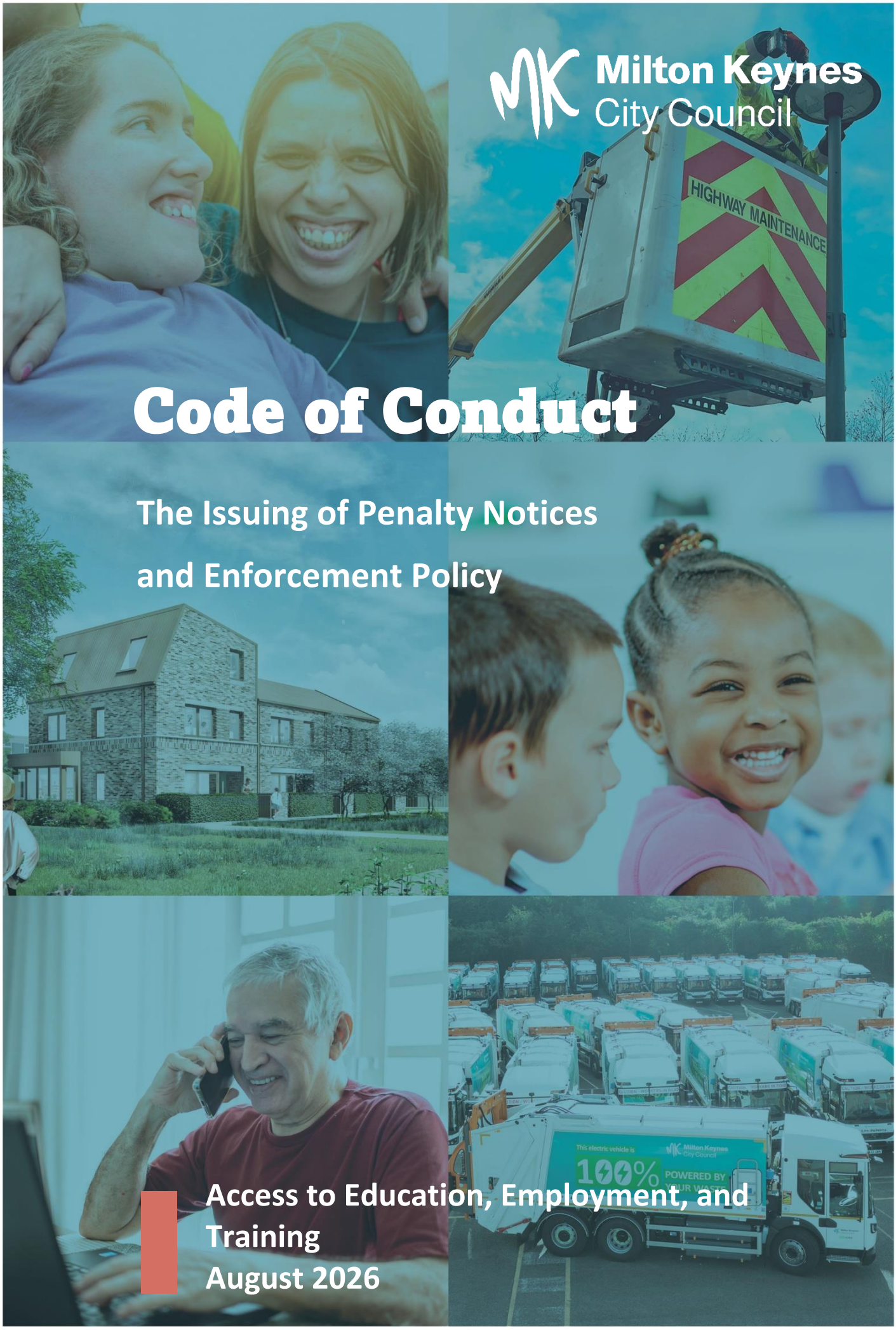

Milton Keynes
City Council
HIGHWAY MAINTENANCE
Code of Conduct
The Issuing of Penalty Notices
and Enforcement Policy
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Access to Education, Employment, and Training
August 2026

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Non School Attendance Procedures

Milton Keynes City Councils' Code of Conduct details the procedure for the issue of Fixed Penalty Notices and Enforcement Policy in relation to non-school attendance.

Every child and family has access to timely and appropriate support depending on their needs. Such support is individually negotiated in consultation with both adults and children in the family, in the context of the economic, cultural, and geographical circumstances of that family.

The Local Authority ("the LA") believes that the use of the legal sanctions to resolve pupils' non-attendance is justified when it is considered that it will assist parents in fulfilling their legal responsibility to ensure that their children attend school on a regular basis. In this sense, legal action is not considered primarily as a punitive measure against parents, but a supportive measure in achieving a child's right to receive efficient and full-time education in line with the Department for Education's 'Support First' approach.

Definitions

Child	Means a child of legal school age which lasts from the term after a child's 5th birthday to the last Friday in June of the year in which the child is in Year Group 11.
Parent	Anyone who is a biological parent of a child, or who has parental responsibility for the child, or who has care of the child.
School	Any maintained school, Academy or Pupil Referral Unit or other off-site provision paid for out of public funds
Unauthorised Session	An unauthorised session is one school half day i.e. either morning or afternoon. One full school day is therefore two sessions. This applies where the school (Headteacher) has no accepted the reason for absence.
Authorised Officer	Following a line of delegation from cabinet, the Senior Attendance Officer (Legal Interventions) has delegated power to take actions under these Acts and as such is known as the 'Authorised Officer' it can also refer to the member of staff in a school who is responsible for attendance referrals to the LA's Authorised Officer. They are 'authorised' to make referrals on behalf of the school.
Senior Attendance Champion	the member of SLT responsible for attendance.

Legal Framework

Section 444 of the Education Act 1996 (as inserted by section 23 of the Anti-Social Behaviour Act 2003) empowers designated LA Officers to issue Penalty Notices in cases of unauthorised absence from school. The relevant legislation is listed below:

- The Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments).
- The Education and Inspections Act 2006.
- The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.
- The Education Act 1996
    - Section 444 of the Act makes it an offence if a parent fails to secure their child's regular attendance at the school at which they are registered if that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at school where appropriate. The national framework for Penalty Notices is published in statutory guidance 'Working Together to Improve School Attendance. It provides further national guidance on the operation of Penalty notice schemes for school absence in England.

Code of Conduct for the Issue of Fixed Penalty Notices

Local Context

The purpose of this local code of conduct is to ensure that Penalty Notices for school absence are issued in a manner that is fair and consistent across Milton Keynes City Council's jurisdiction.

The code sets out the arrangements for administering penalty notices in Milton Keynes and must be adhered to by anyone issuing a Penalty Notice for school absence in this area. The code complies with relevant regulations and the Department for Education's national framework for penalty notices as set out in the 'Working together to improve school attendance' guidance.

Penalty Notices are an alternative to the prosecution of parent(s) or guardians for failing to ensure that their child of compulsory school age attends the school where they are registered or at a place where alternative educational provision is provided. The purpose is to offer swift intervention for cases of unauthorised absence before the problem becomes too entrenched.

An offence occurs if a parent(s) or guardians fails to secure a child's regular attendance at school, or alternative provision, which they are a registered pupil, and that absence is not authorised by the school, or alternative provision. The Supreme Court judgement in the case of Isle of *Wight Council (Appellant) v Platt (respondent) [2017]* defined 'regular attendance' as 'in accordance with the rules prescribed by the school'.

Where difficulties arise with school attendance, professionals should take a 'support first' approach in line with the Department for Education's 'Working together to improve school attendance' guidance, only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.

Penalty Notices will only be used in cases where support is not appropriate (e.g. a term of time holiday) or where support has been provided and has either not been engaged with or has not worked.

Milton Keynes City Council administers all Penalty Notices. This Code of Conduct promotes consistency in their issue. Penalty Notices will be used where there is a reasonable expectation that they will encourage parents or guardians to meet their legal responsibilities and improve school attendance.

The Senior Attendance Officer (Legal Interventions) known as the 'Authorised Officer' will act upon requests to issue Penalty Notices from schools, academies, or alternative education providers, provided that:

All relevant information is supplied in the specified manner;

The circumstances of the pupil's absence meet the requirements of this Code of Conduct; and

The issuing of a Penalty Notice does not conflict with other interventions, strategies in place or other enforcement sanctions already in process.

Consultation

This code has been drawn up in consultation with Milton Keynes headteachers and the school's Governing Body of state-funded schools and academies.

Circumstances where a Penalty Notice may be Issued.

Leave of Absence in term-time resulting in unauthorised absence.

A Penalty Notice may be issued when:

- Parents or guardians have not sought permission from the Head Teacher before taking their child out of school for a holiday in term time;
- The Head Teacher has refused the request, but the absence occurs anyway; or
- A child has not returned to school by the agreed date with no satisfactory explanation.

In every case, there must be at least 10 sessions of unauthorised absence within a rolling 10-school-week period. A school week is any week in which at least one school session takes place.

Under the Education (Penalty Notices) (England) Regulations 2013, headteachers may authorise leave only in exceptional circumstances. Each request must be considered on its individual merits, and the number of authorised days must be specified.

Headteachers should apply this guidance when deciding whether to refuse a holiday request or authorise leave due to exceptional circumstances, clearly recording the approved period. Although each headteacher determines what qualifies as exceptional, such circumstances would normally be sudden, unexpected and arising at short notice. The New Framework for Penalty Notices confirms that relaxation and leisure do not constitute exceptional circumstances. Where leave is not authorised, the matter should be referred to the Children Missing Education Team, which may issue a Penalty Notice without further assessment or casework with the pupil or family.

The national threshold is 10 sessions of unauthorised absence within a rolling 10-school-week period. A school week is any week containing at least one school session. The threshold may comprise any combination of codes G (unauthorised leave or holiday during term time), O (unauthorised absence) and U (arrival after the register has closed).

Persistent unauthorised absence/lateness after the register

Schools should address all unauthorised absences. Where attendance is a concern and absences are intermittent or occur across 'broken weeks', the school should invite the parent(s) or guardians to a meeting. In accordance with the 'Support First' guidance, the school should offer one or more of the following interventions:

- Attendance letters.
- Attendance report with tutor/nominated staff members.
- Attendance Contract which should include a re-integration plan, gathering student voice, review of pupil needs, use of peer mentors, other offers of support and consideration of the EBSA pathway.
- Home Visit.
- Referral to medical support.
- Referral to CAMHS/counselling support services,
- Early Help Assessment and relevant referrals to other support services such as Family Centre's.
- SEN review/Annual Review (this may be a review of a child's needs without an EHCP).
- Medical review (review of reasons for absence and medical support on offer).

National Threshold for Notice to Improve

If attendance does not improve and there are at least 10 sessions of unauthorised absence within a 10-school-week period, a Notice to Improve should be issued. One session is equivalent to half a school day, and the absences need not be consecutive.

Persistent lateness means at least 10 sessions of unauthorised arrival after the register has closed within a 10-school-week period. The incidents need not be consecutive but must be recorded consistently in accordance with the school's late-arrival policy.

Schools are responsible for issuing Notices to Improve to a child's parents or guardians. A template letter is available on the MKCC School Attendance website at https://www.milton-keynes.gov.uk/schools-and-lifelong-learning/secure-school-attendance-information.

The school must demonstrate what support it has offered to the child and their parent(s) or guardian, and the extent to which they have engaged with that support.

A Notice to Improve will usually include a six-week review period. However, if attendance has not improved after three weeks, the school may refer the matter to the Children Missing Education (CME) Team. The Notice must clearly define the improvement required and the expectations to be met.

Each Notice to Improve will remain valid for six school weeks, up to a maximum of 30 school days, and must record the steps already taken and support offered to address the attendance concerns.

The Notice will advise the parent(s) or guardian that further unauthorised absence or lateness after the register closes may result in a Penalty Notice. This gives them a further opportunity to improve the child's attendance by working with the school and, where appropriate, other agencies. As part of the graduated approach, it allows them to avoid a Penalty Notice. If further unauthorised absence or lateness occurs after the Notice to Improve, the school may, having considered the circumstances, refer the case for a Penalty Notice.

Schools action prior to requesting the issuing of a Penalty Notice

The school's Governing Body has approved the operation of the Penalty Notice scheme through the school's attendance policy.

The school's Attendance Policy clearly sets out the criteria and procedures for addressing poor attendance. Children are expected to attend whenever the school is open, except where absence results from illness, an unavoidable cause, authorised leave, a religious festival involving family worship, the Local Authority's failure to provide required travel arrangements, or the child having no fixed abode.

The school has followed a 'support first' approach.

The school has fully considered any mitigating circumstances and determined that there is no justified reason for the absences.

The parents have been sent a written Notice to Improve advising that the school is considering referring the matter to the Local Authority for a Penalty Notice.

The headteacher may authorise a member of the school's attendance team to submit Penalty Notice referrals on their behalf.

All referrals must be submitted to Milton Keynes City Council through the online portal.

Administration of the Penalty Notice Scheme

To prevent duplicate Penalty Notices and promote consistency, cost-effectiveness and equality, the LA will be solely responsible for issuing them. Notices may be issued to the parent(s) or guardians of children attending maintained schools, academies or alternative provision within Milton Keynes.

The Children Missing Education Team will process all school requests submitted through the online portal, provided that:

- All relevant information is supplied in the specified manner to the Local Authority via the online portal https://mycouncil.milton-keynes.gov.uk/service/Referral_for_the_Issue_of_Fixed_Penalty_Notice. The requirements of this Code of Conduct are met; and
- The issue of a Penalty Notice does not conflict with other intervention strategies in place, or other enforcement sanctions already in process.

- The Notice payment is £80 if payable in 21 days and £160 if paid between 21 to 28 days

Penalty Notices will be issued in the prescribed manner, and all revenue will be collected through Milton Keynes City Council's online system. Payments must be made online; cash and cheques will not be accepted.

The Authorised Officer and administrative staff will monitor payments. If payment is not received, the parent will be sent a warning letter allowing a further opportunity to pay £160 before prosecution. If payment remains outstanding, the Penalty Notice will be withdrawn and the parent will be prosecuted for the relevant period of non-attendance under section 444(1) or 444(1A) of the Education Act 1996.

Escalation

Repeated Penalty Notices are unlikely to be appropriate if they do not change behaviour. Under the National Framework, a maximum of two Penalty Notices may be issued to each parent/guardian for each child within a rolling three-year period. Where a previous Penalty Notice has been issued for an earlier offence, the second Notice is £160, payable within 28 days. If the national threshold is met for a third or subsequent time within that period, the Local Authority must consider prosecution under section 444(1) or 444(1A) of the Education Act 1996. For escalation purposes, previous Penalty Notices include unpaid Notices, including those resulting in prosecution and a guilty plea or conviction, but exclude withdrawn Notices.

Penalty Notices issued before 19 August 2024 do not count towards the limit of two Notices per parent/guardian, per child, within a rolling three-year period.

The rolling three-year period begins on the date the first Penalty Notice is issued.

Other Considerations

Where more than one child in a family has unauthorised absences, a Penalty Notice may be issued for each child.

Penalty Notices will be issued to every parent identified in the referral who falls within the definition of a parent under section 576 of the Education Act 1996. A separate Notice will be issued to each person.

Before issuing a Penalty Notice, the Authorised Officer will consider the following factors to ensure a consistent approach:

- Whether a Penalty Notice is the most appropriate measure to improve attendance and parental behaviour, or whether another legal intervention would be more suitable.
- Whether issuing a Penalty Notice is appropriate in light of any obligations under the Equality Act 2010.
- Whether issuing a Penalty Notice is in the public interest.
- Whether support is appropriate in the circumstances.

The Authorised Officer may decline to process a request where:

- Further work or intervention is needed to support the family in improving the child's attendance;
- Previous Penalty Notices have not produced a sustained improvement in attendance, making escalation to further enforcement action appropriate; or
- There is a history of non-attendance, or the child is severely absent, with attendance below 50%, and multi-agency intervention has not changed the behaviour.

Circumstances where a Notice may be withdrawn

- It was issued outside the terms of this Code of Conduct or no offence was committed;
- It was issued to the wrong person;
- It contains a material error*;
- It remains unpaid after 28 days and the Local Authority has not begun legal proceedings, or decides not to prosecute under section 444(1) or 444(1A) of the Education Act 1996; or
- The parent proves that it was delivered to the wrong address*.

** Please note that where a Penalty Notice contains a material error or was sent to the wrong address, it may be corrected and reissued.*

Payment of Penalty Notices

Payment instructions will be set out in the Penalty Notice.

Payment discharges the parent's or carer's liability for the period stated in the Penalty Notice. They cannot subsequently be prosecuted under other enforcement powers for that same period.

For a first offence, the Penalty Notice is £160, reduced to £80 if paid within 21 days of issue. If paid after 21 days but within 28 days, the full £160 is payable.

If a parent receives a second Penalty Notice within a rolling three-year period, £160 must be paid within 28 days. The reduced £80 rate does not apply.

The Local Authority will retain Penalty Notice revenue to cover enforcement costs, including collection and prosecution following non-payment, and the cost of supporting schools and families to improve attendance.

Penalty Notices cannot be paid by instalments and there is no right of appeal.

Working Together

The Local Authority will keep schools informed of Penalty Notices issued, payments received, warning letters sent following non-payment, withdrawals and prosecutions. Updates on Notices, payments and warning letters will be provided through the automated Penalty Notice system, while withdrawals will be communicated when they occur. Schools may also request details of Notices issued, paid, withdrawn or prosecuted.

Cross Border Work

Where pupils move between local authority areas, The Milton Keynes City Council can be contacted on crossborder.penaltynotice@milton-keynes.gov.uk to find out if Penalty Notices have been issued previously.

Criteria for Prosecution for Entrenches Non-attendance and/or Escalation

Prosecution is a last resort and should be considered only after all reasonable measures to support the pupil's return to school have failed. Schools must first follow their usual non-attendance procedures, including the measures outlined above and the 'Support First' approach. They must comply with the steps in the *Working Together to Improve School Attendance* guidance and the August 2024 school attendance legislation before referring a case for legal intervention. Schools must also consider support through Targeted Early Help or related services, complete an Early Help Assessment before referring to MASH, and, where appropriate, undertake a FACT or FACT Plus assessment to identify any underlying SEN needs.

The school's Senior Attendance Champion must ensure that all appropriate steps have been taken before referral for legal sanctions and, where appropriate, that a Notice to Improve has been issued. A Notice to Improve gives parents a final six-school-week opportunity to engage with support and improve attendance before a Penalty Notice is issued. It should usually be issued where the national threshold has been met, support is appropriate, and previous offers of support have not been taken up or have been unsuccessful. The Senior Attendance Champion or the Authorised Officer may decide not to issue one where support is inappropriate because attendance is very low, it is unlikely to influence parental behaviour, further support or escalation to Children's Services is required, or the parent has already received two Penalty Notices within three years. In such cases, the school may issue a Formal Warning Letter and begin formal legal proceedings. Each parent should be contacted separately, even if they live at the same address.

After issuing a Formal Warning Letter, the school must monitor the child's attendance. If attendance does not improve, the school should invite the parents to a meeting with an appropriate member of staff, usually at the school. Other professionals involved with the family, such as a social worker or Targeted Early Help caseworker, may attend. If a parent says they cannot control the child, an assessment by Children's Services or CAMHS is required. Where another agency is already involved, the school must consult it before taking further action. An Attendance Contract should be agreed at the meeting if one is not already in place and reviewed at intervals of no more than six weeks. If attendance still does not improve, the school may refer the case to the Local Authority for a PACE interview using the V2 referral form. The Senior Attendance Officer (Legal Interventions), acting as the Authorised Officer, will decide whether to prosecute.

Legal Process

Before requesting legal intervention, the school must:

- Record at least 10 unauthorised sessions within 10 school weeks. The Local Authority's prosecution threshold is 90% attendance, although most PACE referrals are likely to fall well below this level.

- Prepare a Certificate of Pupil Attendance showing the unauthorised absences, obtain the headteacher's or principal's signature, and email it with the referral form to attendance@milton-keynes.gov.uk. Paper copies will not be accepted.
- Collate evidence of communications with the parent(s) or guardian and their outcomes.
- Make sufficient enquiries, such as contacting the GP, to verify or challenge any claim that the absence was caused by illness.
- Check whether the parent claims that the absences were for religious observance or festivals. Where there is uncertainty about festival dates, consult the relevant calendars, as dates may vary or depend on the sighting of celestial bodies. Normally, only one day is authorised for religious observance, for example Eid.
- Check the distance between the child's home and school. The Council may be required to provide transport where the distance exceeds two miles for a child under eight or three miles for a child aged eight or over, unless the parent chose that school.

The Police and Criminal Evidence Act ("PACE") Interview

In most cases where prosecution is felt appropriate, the parent(s)/guardian will be invited to a PACE interview. The purpose of this is twofold – firstly to put the matter on a more formal footing as regards the parent(s)/guardian, and secondly to obtain their reasons for the absences. This means that if the case later goes to trial, any explanation they give at Court can be compared with any explanation given in the PACE interview and the Court's attention drawn to any discrepancies or 'changes of story'.

The interview will be based on a series of written questions to which the parent will be expected to give their responses. The parent will be formally cautioned and notified of his/her rights prior to the PACE interview and asked if they wish to have legal representation present. If they do wish for legal representation, then the PACE interview will be re-arranged at a convenient date/time. Should the parent(s) attend the interview and then decide they wish to have a legal representative or say they do not understand the Formal Caution, the interview should be terminated and reconvened at another time.

Standard questions will be asked, and a recording will be made on Beam (formerly Magic Notes) – this will not be a verbatim account. At the end of the meeting, the parent(s)/guardian will be given the questions/answers to read, and the parent will be given an opportunity to make any amendments. When all parties are satisfied, the PACE interview notes should be signed and a copy given to the parent.

After the PACE interview the LA's Authorised Officer will decide how best to proceed, giving consideration to the following:

- Whether the evidence provided is substantial enough to prove a case in court.
- Whether all options to assist the child to return to school have been explored both by the school and other services.
- Whether a more proportionate response would be a Formal Caution or other action.
- Whether there is the likelihood of a conviction.
- This case is in the public interest.

If the LA's Authorised Officer decides that prosecution should follow, he will consider whether a Parenting Order or an Education Supervision Order should be sought.

Preparation for Court

The Authorised Officer will consider which of the two offences in the Education Act 1996 should be pursued.

The simple offence, under s444(1), of 'being the parent of a child of compulsory school age, who is a registered pupil at a school, who has failed to attend regularly'.

Points the LA are to prove prosecution test is met: -

- The child is of a compulsory school age.
- The child is registered at the school.
- Failure to attend school regularly.

The aggravated offence, under s444(1a): being the parent of a child of compulsory school age, who is a registered pupil at a school, who has failed to attend regularly, but with the added element that the parent(s) or guardian knows that the child has failed to attend regularly, and that they have failed to cause the child to do so.

Points the LA are to prove prosecution test is met: -

- The child is of a compulsory school age.
- The child is registered at the school.
- Failure to attend school regularly.
- The parent(s) or guardian knew this.
- The parent(s) or guardian failed to ensure regular attendance.

The maximum penalty for the lower-level offence is a fine of £1,000, and for the aggravated offence a fine of £2,500 and/or up to 3 months imprisonment. This means that the Court may also consider a community penalty for the aggravated offence and may order a probation report. The simple offence can be heard in the parent(s) or guardian's absence, and they may be convicted in their absence, whereas with the aggravated offence a warrant could be issued for the parent(s) or guardian's arrest should they fail to attend.

It is sometimes said that the lower-level offence is an 'absolute offence' but this is not strictly true, although parent(s) or guardian cannot defend it by saying they did not know their child was failing to attend regularly there are four statutory defences, namely unavoidable cause; medical/illness; religious observance and distance from school where the school is allocated by the LA outside the statutory walking distances of 2 miles for a child under 8 and 3 miles for a child over 8 and transport has not been provided . The Act provides for a number of statutory defences: these should be borne in mind during the drafting of a section 9 statement and during any PACE interview. The concept of 'any unavoidable cause' is very wide, but there is case law to say that the unavoidable cause must

relate to the child not the parent(s) or guardian, and be of something like an unexpected emergency. Case law also says that 'unavoidable cause' does not mean the same as 'reasonable excuse'.

The Authorised Officer will draw up a Magistrates' summons for each parent or guardian who is to be prosecuted. The summons must be submitted to the Court not less than 6 months after the end of the period covered by the summons, for example a summons relating to a child's absence between 5th September 2023 and 19th December 2023 means the 'information' must be 'laid' before the Court office by 18th June 2024. It is not necessary for itself hearing to take place within this six-month period.

The Summons will be authorised by the Court Office and returned for service on the parent(s) or guardian. The Authorised Officer should send the summons to the parent(s) or guardian by first class post with the following documentation: -

- Section 9 statement, and exhibits.
- The signed Certificate of Attendance – signed by the Headteacher/Principal or their representative.
- Notice to parent: proof by written statement.
- Notice of guilty plea.
- A Financial Means Form.
- Where appropriate, Notices of the Council's intention to cite any previous convictions or 'bad character' evidence.

The summons should be served so as to give the parent no less than two weeks' notice of the hearing. Papers are to be sent via first class post. A Proof of Service Form listing the details of the delivery of the pack will be signed and stamped by the admin officer who has responsibility for the post. This can be produced at the Court hearing as proof of service so that the Court can hear a case in the absence of a parent who fails to attend.

Single Justice System ("SJP")

The Single Justice Procedure is an alternative to prosecution in the Magistrates' Court. Instead of the prosecutor and parent(s) or guardian physically attending court, the matter is dealt with via a postal system.

Evidence is collected in the same way as a physical court hearing, but a briefer statement is produced laying out the facts of the case. Normally, the only exhibit will be the certificate of attendance. The statement is produced by the Authorised Officer, but the case is then prepared by Legal Services, and there is no need for summons.

Due to the simpler nature of SJP cases, they cannot be entrenched cases and/or have disputed reasons for absence. They are used, in the main, for straightforward cases where the parent has accepted liability, albeit they may have offered mitigation, at the PACE interview or a Penalty Notice has not been paid.

The parent has the option of pleading guilty by post or, if they wish, they can ask for the case to be heard before the magistrates or plead 'not guilty'. Both of which options will result in the case being listed in court. If they plead 'not guilty' they will have a further opportunity in court to confirm their plea.

The SJP process can only be used for S.444 (1) cases, and the likely outcome is a financial penalty. The parent cannot be given any form of 'discharge' and even if the parent has pleaded guilty, the

magistrates may refer the matter back to court. This will happen if the parent has provided detailed mitigation which the bench feel needs to be heard in open court where the parent can answer questions put to them by the magistrates.

Prosecution Outcomes

There are four possible outcomes from a court case:

- The parent attends the first hearing and pleads guilty: the case will usually be dealt with on this occasion with a penalty imposed. Occasionally, under the higher level, S.444 (1A), the bench may require a report on the parent from the Probation Service, which may lead to an adjournment to a later date.

- The parent pleads guilty by post: the case will be dealt with at the hearing, and a penalty imposed.

- The parent does not attend court and has not sent in a plea by post: here, the Authorised Officer will ask for the case to be heard in the parent's absence. If the Court accepts that the summons was served properly, on the basis of the Proof of Service Form, the case will be heard, and the Court is invited to convict on the basis of the material put before it.

- The parent pleads not guilty either by letter or in person. In this case, a trial date will be set. It may be necessary for the Authorised Officer to explore additional evidence depending on comments made by the parent at this hearing.

The Authorised Officer will inform the school of the outcome. The school will continue to monitor the pupil's school attendance over the next six months, to inform future strategy and, where necessary, any further Court action, e.g. an application for a Parenting Order under section 8 of the Crime & Disorder Act 1998 or a further prosecution under Section 444(1A).

Primary Disclosure and Unused Material

The Authorised Officer will have sent the parent the section 9 statement and the evidence on which the case is based, at the same time as the summons.

Where a parent pleads not guilty, however, the Council may be required to serve the 'Unused Material': this is all the material which is contained in the school, Children and Families Practice Worker's file or additional information held by the Authorised Officer which has not been disclosed within the section 9 statement. The Council is required to disclose copies of anything which either assists in the defence case, or which undermines the prosecution case. It is for the Council as prosecutor to decide whether a particular item does or does not support the defence, and if we consider that it does not, there is no obligation to disclose it. It is common however for the Council to send to the defence copies of the actual material so there is no room for dispute.

Legal Services will be in receipt of the unused material from the Authorised Officers and will action as appropriate.

Costs

The Council should ask the Court to order the parent to pay the prosecution costs. A schedule of costs will set out the expenses incurred in bringing the case to court.

Costs accrue from the start of the investigation, which is treated as beginning at the PACE interview stage. If the case proceeds to trial, further legal costs will be incurred.

The Court has discretion whether to award costs and, if so, the amount. It must not order costs that the parent cannot realistically afford or that are disproportionate to the penalty imposed.


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