

Education Investigation Service
Dudley Metropolitan Borough Council
Enforcement Policy



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Introduction

The Education Investigation Service of Dudley Metropolitan Borough Council is the investigation and enforcement team with responsibility for policing parental responsibility measures with regards to school attendance and behaviour, Children in Employment, Children in Entertainment, Children Home Educated, and the Regulatory Compliance of School Registers with an overarching commitment to promoting that the welfare of the child is paramount.

This enforcement policy seeks to promote good practice and the principals for good enforcement, summarising how to conduct enforcement with openness, setting standards and consistency:

- To uphold the law fairly
- To prevent and detect offending
- To pursue and bring to justice those who break the law
- To help to protect and reassure the community
- To act with integrity, common sense and sound judgement

In doing so the EIS will ensure that:

- When an allegation is reported or an offence suspected of being committed a thorough investigation will follow.
- The exercise of legal powers should not be oppressive to the issue under investigation
- As far as operationally practical and with due regard to an individual's right to confidentiality, investigations should be as transparent as possible in keeping those involved up to date
- We will take reasonable steps to understand the individuals needs, e.g. culture, religion, belief, sexuality, lifestyle, disability etc. (Race Relations and Equality Acts) Have regard for vulnerable adults and children. Respect the professional ethics of others

The Education Investigation Service delivers it's investigative and enforcement responsibilities in full compliance with the following:



Part 1

“General Enforcement Policy”

Purpose

- (a) The purpose of this section is to state the authorities general policy with respect to parental responsibility measures, child employment, entertainment, children missing education, elective home education and regulatory compliance.

The General Policy

- (a) This authority is committed to ensuring that every child has a right to education, their welfare and the protection from exploitation and abuse in child employment or entertainment.
- (b) Enforcement is supported through both criminal offences and civil enforcement measures supported by the EIS referral criteria.
- (c) This authority places a further emphasis on the identification, licensing and enforcement of child employment, further protecting the child’s right to a full education, prevention from trafficking and the development of a level of independence through part time employment.
- (d) The authority requires officer support for and in compliance with the contents of this document.
- (e) This policy will be documented, regularly reviewed and developed.
- (f) The authority states its commitment to implementing the good practice guidance issued by the Ministry of Justice “Achieving Best Evidence in Criminal Proceedings”, The Police and Criminal Evidence Act 1984 and the Codes of Practice thereto, the Criminal Proceedings and Investigations Act 1996 and all supporting legislation in conducting investigations.
- (g) Training is provided and updated to all Education Investigation Officers.
- (h) Any departure from this document will be exceptional, capable of justification and be fully considered by the EIS, before a decision is taken. Unless it is

considered that there is significant risk to the public in defraying that decision. Any departure shall be fully documented.

Part 2

“Penalty Notices”

The Purpose

- (a) This policy relates to the use of Penalty Notices (PN) in respect of absence from school and children excluded from school in a public place, during school hours and during the “specified days”. It is to ensure the use of such notices is consistent and fair across the local authority area and that suitable administrative arrangements are in place. PN’s offer a swift intervention to assist in combating absence/exclusion from school.

Referrals

- (a) Head Teachers or their representatives refer a child to the Education Investigation Service for consideration of a PN. This is administered independently of the school to protect the rights of the citizen and ensure a measurable consistency to statutory intervention.
- (b) Police Officers can refer children identified as absent from school to the Central Team (01384 814317) for consideration of a PN, often they may be identified through Police Officers in the daily execution of their duty or whilst accompanied by an Education Investigation Officer during a Truancy Sweep.
- (c) Community Support Officers may also make referrals to the EIS when they identify a child who is not attending school or in a public place whilst excluded.

Assessment

The Education Investigation Service has responsibility for processing referrals in respect of a PN’s and the administration of the scheme and a code of conduct. In determining as to whether it is appropriate to issue a notice the Service will consider issues such as:

- (a) The Level of Absence
- (b) Proportionality
- (c) The specified days of exclusion
- (d) The Equality Act 2010
- (e) Any Statement of Special Educational Need
- (f) The Parent/Carer and Previous Convictions/FPN
- (g) Statutory defences
- (h) Is this likely to be effective
- (i) Is the parent engaging

Notification

Parents are advised of the use of penalty notices through the school behaviour/attendance policy and/or when required a formal notice from the EIS.

Parents also receive a written notice as part of the exclusion notice issued to parents, in respect of the specified days.

Period of Absence

The period of absence in relation to the issue of a FPN will correlate to the service referral criteria in force at the time of the referral and the code of conduct. Parents will have had notification (above) before a penalty notice can be issued either for cumulative absence or an irregular pattern of absence over an extended period of time. The period in respect of an exclusion from school is the specified days within the notice.

Withdrawal

A notice may only be withdrawn in the following circumstances:

- Where it should not have been issued e.g. no offence has been committed or it outside the terms of the local code of conduct.
- Where it has been issued to the wrong person.

Administration, Retention of Receipts and Revenue Collection

The Education Investigation Service administer the scheme for the Borough of Dudley and revenue from the scheme will be retained to offset the costs of the administration of the scheme, or the cost of prosecuting recipients who do not pay.

The Local Authority will produce an auditor's statement as part of the usual audit procedure showing that income received from fines does not exceed enforcement as defined. Any surplus will be surrendered to the Secretary of State

Collection of receipts will be through the current Borough Council scheme, it is because of the collection methods that administratively PN's are best issued by the EIS to ensure efficiency and reduced costs to the scheme.

Fines

Parents are able to discharge potential liability for conviction for the offence by paying a penalty of £60, if paid within 21 days. If the fine is not paid within that period but with 28 days of receipt the fine is £120.

Within legislation receipt of a PN is deemed as served after the second day after posting it by first class post.

Part payment or reduction of the fine is not allowed under the regulations and fines must be paid in full. When a fine is paid in full within the prescribed dates to the notice, it will discharge that parent's liability to that offence.

In any academic year PN's will not generally be issued more than twice in respect of an individual child. Where there is more than one child and one parent in a family a penalty notice will be issued in respect of each child with attendance issues and each parent. There is no requirement to issue a penalty notice before any enforcement proceedings.

Enforcement

When a fine is not paid within the determined dates the regulations require that the offence s444 Education Act 1996 be prosecuted in the Magistrates Court, the service will use its standard operating procedures in this regard, the service may not prosecute for the none payment of the PN alone, but for an offence under s444

Education Act 1996. Any information pertaining to the non-payment of a fine may form part of the evidence in any subsequent prosecution.

Appeal

There is no right of appeal.

Part 3

“Questioning and Treatment”

Purpose

- (a) Standard Operating Procedures details the matters to be considered when a member of the public is suspected of committing an offence.

Questioning and Treatment

- (a) As soon as an officer has reasonable grounds to suspect that a person has committed an offence he/she shall ensure that person is put on notice that they may face legal proceedings.
- (b) As soon as any person is cautioned under PACE 1984 he/she will be afforded the opportunity to consult independent legal advice, and if such advice is requested it shall be allowed, except in exceptional circumstances.
- (c) If a person attends an interview at the request of the EIS and they are cautioned they must be advised that their attendance is voluntary and that they are free to leave if they so wish. The EIS has no power of arrest, save that as a citizen of the UK. If the accused refuses to attend or leaves the interview he/she shall be advised that the matter may be placed before the Magistrates Court.
- (d) They will be permitted to have a solicitor, representative or friend present if they so wish
- (e) Where a mentally ill or handicapped person is to be questioned an *appropriate adult* shall be contacted without delay. Such persons are vulnerable to suggestion and corroboration should be obtained.
- (f) If a person is deaf, or does not understand English the EIS will as soon as practicable ensure that an independent interpreter is available

- (g) Once a person has been cautioned and there has been a break of one hour or more, that person shall be cautioned again in full. If the break is for less it is suffice to remind that person that they are still under caution
- (h) Once a person has been informed that they will be reported for an offence no further questions may be put unless they are necessary
- (i) An audio recording shall be made of the questions asked and answers given, including any cautions and the time they were given. All people present will be invited to sign a sealed copy of the recording.
- (j) It is unlikely but no person will be interviewed for more than 16 hours without a break of at least 8 hours. Any interview will be interrupted at recognised meal times.
- (k) When recording statements under caution they will be written on forms provided for the purpose and in accordance with the Code.
- (l) Where no recording facilities are available authority to interview will be obtained from a senior officer. If recording facilities are available the Code of Practice, PACE 84 will be observed in that respect.
- (m) Any witnesses appearing on behalf of the EIS in any subsequent proceedings will be fully advised before giving evidence, wherever possible the EWS will look to utilise S9 Statements, Criminal Justice Act 1967.
- (n) Recorded interviews shall be undertaken commensurate with the Code of Practice

NB the above conforms to extracts from the Police and Criminal Evidence Act 1984 and the Codes of Practice thereto, further the service operates to the Ministry of Justice Guidance on achieving best evidence in criminal proceedings and Investigative Interviewing, adapted for use by Education Investigation Officers.

Part 4

“Powers of Entry s28 Children and Young Persons Act 1933”

Purpose

- (a) This section deals with the matters to be considered in applying for a Court Order/warrant to enter premises in respect of child employment and children in entertainment and securing evidence therein.

Policy in respect of Powers of Entry

- (a) Before applying for a court order to enter premises officers should obtain best evidence, which can be evaluated and considered by an objective third person.
- (b) The officer must establish grounds of “reasonable suspicion” before exercising the Code.
- (c) The officer will take reasonable steps to check that the information is accurate, recent and not provided maliciously or irresponsibly. An anonymous source must be corroborated.
- (d) The officer shall ascertain as specifically as possible the nature of the persons or articles concerned and their location. Information about the occupier, the premises and if they have previously been searched.
- (e) An application for a court order will be supported by information in writing.
- (f) If an application is refused no further application will be made unless supported by additional evidence.
- (g) Searches will be conducted commensurate with the Codes of Practice, PACE 84 and a search record maintained.
- (h) Any evidence seized under the court order will be processed commensurate with the Rules of Evidence and PACE 1984.

NB The above conforms to extracts from the Police and Criminal Evidence Act 1984 and the Codes of Practice thereto

Part 5

“Statutory Notices”

The Purpose

- (a) This section deals with the matters to be considered in the issue of Formal Statutory Notices.
- (b) The Policy “Statutory Notices” Section 559 Education Act 1996

4.2 Section 559 (1) – May be issued if:

- (a) The identity of the child is known
- (b) The employment is illegal under the terms of the byelaws made under section 18(2) Children and Young Persons Act 1933.
- (c) No employment licence has been issued in respect of that child.
- (d) None compliance of the notice constitutes an immediate offence.
- (e) This notice is intended to be used to terminate the immediate employment of a child

Section 559 (2) – May be issued if:

- (a) When it is suspected that a child is employed
- (b) The identity of the child is not necessary
- (c) A reply from the employer is required even if no children are employed.
- (d) Failure to reply within 14 days of the date of the notice constitutes an offence.
- (e) This notice is used to obtain details of children being employed.
- (f) Before bringing proceedings for a breach of this notice the identity of the children must be established.

Conditions to Service of a s559 Notice

- (a) In respect of both notices officers shall ensure good service.
- (b) Such notices will only be used where effective action needs to be taken as quickly as possible to remedy a deteriorating situation.
- (c) The notice may only be issued and signed by an authorised officer.
- (d) Such time limits are dictated by statute, but an extension may be agreed with the employer where it is considered appropriate.
- (e) Failure to reply to notices will be undertaken by an established “prosecution procedure”, but officers shall have sufficient evidence available to justify the issue, be prepared to pursue non compliance in the courts and be satisfied that proceedings are likely to succeed.
- (f) Consideration shall be given to informing other agencies such as Trading Standards or the Health and Safety Executive.

Part 6

“Statutory Orders”

The Purpose

- (a) This section deals with the matters to be considered in the application and issue of Statutory Orders and the Breach of such orders.

Education Supervision Orders s36 Children Act 1989 (ESO’s)

- (a) The application of an Education Supervision Order (ESO) is subject to the rules of the Family Proceedings Court. An ESO is always considered as an option before prosecuting.
- (b) Breach Proceedings in respect of an ESO may be subject to laying information in the Magistrates Court (Criminal) and any such Breach does form part of this enforcement policy.

- (c) Parents who “persistently fail to follow directions” under the order are guilty of an offence. Persistent failure will be established by “a failure persevered with, in respect of any particular direction or repeated failure to observe directions”.
- (d) To establish “persistent failure” the EIS will issue three warning notices, none compliance is sufficient to consider an application to the Magistrates Court in respect of criminal proceedings.
- (e) In the absence of a defence under schedule 3 Para 14, Children Act 1989 the EIS will take proceedings in this respect.
- (f) District Managers act as the appointed officers for the duration of the order

School Attendance Orders s437 Education Act 1996 (SAO's)

- (a) SAO's are a statutory order enabling the LA to direct a parent to secure education of a child to a school where a child is not a registered pupil at any school.
- (b) This order may be used where a child is educated otherwise than at school and it has been decided that such education is inadequate or
- (c) Where children have moved into an area without being admitted to a school, or excluded or
- (d) Children who have reached the compulsory school age and have not been registered at a school, or the parents have not informed the LA of their intention to educate otherwise than at school.
- (e) Where all voluntary attempts to resolve the situation have failed a three stage process will be followed,
 - An initial notice is left with the parent requiring them to satisfy the LA within 15 days of the date of the notice, as to the education provision being provided.
 - If this is not resolved a standard letter will be sent to the parents, by hand, indicating the intention of the LA to serve an SAO. If no response is received within 15 days of the date of the notice the LA will nominate a school for the child to attend, named in the SAO.

- If the situation is not resolved the order will be served on the parents naming the school, which the child must attend “forthwith”.
- (f) The order becomes spent once a prosecution for non-compliance has been taken.
- (g) Non-compliance constitutes an offence under s443 Education Act 1996, proceedings of which are by way of the Magistrates Court.

Section 8 & 9, Crime and Disorder Act 1998 (Disposals), Parenting Order, – Anti Social Behaviour Act 2003, Parenting Order (Applications)

- (a) The application of a Parenting Order (PO) to address behaviour is subject to the rules of the Family Proceedings Court.
- (b) A potential outcome of the court for an offence under S444 (1) (a) Education Act 1996 is also a Parenting Order.
- (c) A District Manager will act as the Supervising Officer and monitor progress and conformity of the order, a member of school staff or another agency will act as the Responsible Officer who will work closely with the family and report back to the District Manager where the requirements of the order are failing
- (d) The EIS Procedures Manual informs on this process
- (e) The District Manager will be responsible for considerations of any further action where an order is failing under service standard operating procedures and DfE Guidance documents.
- (f) Schools inform parents on the use of parenting orders through their behaviour and/or attendance policy.
- (g) Where an order is not being complied with it may be used in evidence for future proceedings.

Part 7

“Regulatory Compliance & Fraud Act 2006”

The Purpose

- (a) The purpose of this section outlines the processes employed in the determination of a breach of the Education (Pupil Registration) Regulations 2006 and/or section 434 Education Act 1996 and where activities may relate to the Fraud act 2006.
- (b) Where an officer wishes to bring any form of proceedings of either a disciplinary or criminal nature standard operating procedures must be followed:

Fraud Act 2006

Schools derive income from the details of children on the admission and attendance registers. Evidence may link to the requirements of the Fraud Act 2006, when an individual or body corporate has from the actions taken within the registers led to:

- A False Representation
 - A failure to Disclose Information
 - An abuse of position
 - Making or supplying articles for use in a fraud and articles includes “program or data”
 - That leads to a gain or a loss in money or other property, temporary or permanent, real or personal
- (c) The options open to the service within any breach of the regulations is to either:
- Provide advice and guidance as to the regulations and statutory guidance
 - Provide a report for the consideration of school performance
 - Issue a warning notice
 - Undertake Proceedings by way of the Teaching Agency and or Secretary of State for Education
 - Provide a file for the consideration of criminal proceedings

- (d) FRAUD – where there are indications of possible fraudulent activity the Head of service must be informed who will liaise with Police and the Corporate Fraud Officer any investigation; Education Investigation Officers may be tasked with activities to support the same in auditing registers. Where there is fraud the Proceeds of Crime Act 2002 may apply.

Section 434 Education Act 1996 - Registration of pupil's states:

- 1) The proprietor of a school shall cause to be kept, in accordance with regulations, a register containing the prescribed particulars in respect of all persons who are pupils at the school.
- 2) Without prejudice to the generality of subsection (1), the prescribed particulars shall include particulars of the name and address of every person known to the proprietor to be a parent of a pupil at the school.
- 3) The regulations shall prescribe the grounds on which names are to be deleted from a register kept under this section; and the name of a person entered in such a register as a pupil at a school—
 - (a) Shall, when any of the prescribed grounds is applicable, be deleted from the register on that ground; and
 - (b) Shall not be deleted from the register otherwise than on any such ground.
- 4) The regulations may make provision—
 - (a) For enabling registers kept under this section to be inspected;
 - (b) For enabling extracts from such registers to be taken for the purposes of this Act by persons authorised to do so under the regulations; and
 - (c) for requiring the person by whom any such register is required to be kept to make to—
 - i. The Secretary of State,
 - ii. Her Majesties Inspectors of Schools
 - iii. Local education authorities,

Such periodical or other returns as to the contents of the register as may be prescribed.

5) (5) In this Act—

- “Registered Pupil”, in relation to a school, means a person registered as a pupil at the school in the register kept under this section; and
 - “Registered”, in relation to the parents of pupils at a school or in relation to the names or addresses of such parents or pupils, means shown in that register.
- 6) A person who contravenes or fails to comply with any requirement imposed on him by regulations under this section is guilty of an offence.

Part 8

“Determining a Prosecution”

The Purpose

- (a) This section details the criteria on which a prosecution should be based.
- (b) The referral criteria employed by the EIS at the time forms the basis upon which a referral will be accepted to support the initiation of proceedings in whichever form.
- (c) The LA through its appointed officers always has the discretion whether to prosecute or not, and such a decision will be balanced on the evidence submitted in each case. The decision is not a punitive one; it should be based on evidential facts and that it is in the public interest to prosecute.
- (d) If a child is not receiving the benefit of full time education, and the absence is unauthorised and the evidential test and the public interest test have been met it is in the public interest to prosecute.
- (e) The authorised absence or persistent absence (PA) rate have no bearing on decision making as by definition a period of authorised absence absolves the parent, PA combines authorised and unauthorised absence.

- (f) The school absence/attendance target is judged to be a schools aspiration for students as this target may change as absence improves. However, just because a child has a generally good attendance rate does not mean absence should not be challenged to ensure full time access to education.
- (g) Irregular school attendance is any period of unauthorised absence where the child has failed to attend the school as determined by the Governing Body (GB) in setting the school day and the requirements of the Education (Pupil Registration) Regulations 2006. This is described as the “normal” for attendance to be “abnormal” there follows that there must be a break of the requirements of the GB and marked as so in the school register under the regulations. The only question is, is that absence authorised or unauthorised, authorised absence by definition absolves the parent, unauthorised absence does not.
- (h) The engagement of the parent with the school will also be a consideration in determining a prosecution.
- (i) If an employer continues to break the law or is exploiting a child in the name of profit, and the evidential test and the public interest test have been met it is in the public interest to prosecute.
- (j) Breach of a SAO constitutes a strict liability offence and the evidential test and when the public interest test has been met it is in the public interest to prosecute.
- (k) Breach of an ESO/PO should be established and the evidential test and the public interest test have been met it is in the public interest to prosecute and “persistent failure” is proven.
- (l) Where a breach of regulatory compliance is established it is important to evidence either a persistent failure to comply or that the nature of the breach is so serious that it warrants intervention and the evidential and public interest test are met to prosecute.

The Policy

(a) Every breach of legislation will not necessarily result in the commencement of legal proceedings, the circumstances which are likely to warrant a prosecution may be characterised as follows;

- The alleged offence involves any period of absence that has been determined by a head teacher as an unauthorised holiday.
- The alleged offence involves a failure by the offender to correct an identified serious risk to a child's education, health or welfare, and a lack of engagement or part engagement with support services
- The offence involves a failure to comply in full or part with the requirements of a Statutory Notice or Order.
- There is a history of previous offences

(b) Before bringing a prosecution the appropriate officer must be satisfied that the case is supported by sufficient relevant evidence, which is;

- Admissible and relevant
- Substantial in its form and content
- Reliable
- Good prospect of securing a conviction
- Supported by legislation
- It meets the evidential test and In the public interest to prosecute

(c) The Codes of Practice, PACE 1984 and Investigative Interviewing must be followed *where applicable* and the following factors should be taken into account;

- The facts of the case are proven and the seriousness of the offence balanced against breach of notices, or orders, strict liability or aggravated offences.
- Previous history/convictions of the accused.
- The likelihood that a defence has been ruled out.
- The availability of witnesses, their competence and co-operation.
- Willingness of the accused to consider alternatives
- The benefit that, the public interest has been served.
- Whether a Formal Written Caution may be appropriate
- Any mitigation offered by the offender that may have a bearing on the disposal of the case.

- In consideration of a prosecution in respect of school attendance the likelihood of obtaining sufficient disposal through, Conditional Discharge, Fine, Sentence, or a Parenting Order and Directions thereto and similarly in child employment prosecutions.
- (d) Investigations and the decision making process should not delay the due process of justice, any complainant or witnesses should be advised as to the progress of the case.
- (e) Once a decision to prosecute has been made it should be disposed of without delay via an appropriate officer who is authorised to conduct proceedings.
- (f) Unless directed to do so officers are not required to attend court where section 9, evidence, Criminal Justice Act 1967 has been accepted.
- (g) Where appropriate, in defended cases the EIS will consult with Legal Services.
- (h) Where a case is to be defended the investigating officer should be aware of the requirements of the Criminal Proceedings and Investigations Act 1996.

Part 9

“Formal Cautions”

Purpose

- (a) The purpose of this document is to state the policy of the EIS with respect to;
- Identification of circumstances when it is appropriate to use a formal caution.
 - Confirmation that the use of a formal caution will be in accordance Legal Services Practice
 - Action to be taken when a person declines the offer of a formal caution.
 - Where appropriate, other bodies or agencies that has to be notified.

The policy will ensure a consistent application of the cautioning process

The Aim of Cautioning

- (a) Deal quickly and simply with less serious offences
- (b) Divert from unnecessary appearance in the criminal courts
- (c) Reduce the chance of re-offending

The Policy

It is the policy of the EIS that;

- (a) A person only receives a caution when the circumstances of the offence meet the criteria identified with Legal Services
- (b) It will only be administered by a representative of Legal Services and agreement with the Head of Service
- (c) The offender will be advised in writing of the proposal to issue a formal caution.
- (d) Where a person refuses to accept a caution or fails to return the signed copies in 14 days, legal proceedings will be considered.

Part 10

“Authorisations”

Purpose

- (a) The purpose of this document is to state the policy with respect to;
 - Identification of the designation of persons who may authorise a prosecution or vary proceedings
 - Identification on the limits of delegations for Education Investigation Officers
 - Identification of appropriate officers to act as advocates in court.

Authorisations

- (a) The Local Government Act 2000 delegates responsibilities to local government officers the responsibility of investigating offences and prosecuting offenders.

- (b) Enforcement under any legislation to which this policy applies should only be initiated by suitably qualified, experienced and competent EIO's, or legal Services.

The Policy

(a) It is the policy of the EIS that;

- Where as a result of adherence to the principles outlined in the policy document a prosecution is necessary, only the following officers may authorise or vary that course of action.

i. Head of Service, or in his/her absence

ii. A District Manager

- The following designated officer(s) are authorised to act on behalf of the EIS in all “summary proceedings” pursuant to Section 223, Local Government Act 1972.(now LGA 2000) if required to do so.

i. Head of Service or in his/her absence

ii. District Managers

- During legal proceedings the investigating officer may be approached by the defence or the prosecution to vary proceedings, e.g. a reduced charge in favour of a guilty plea and officers should refer any request by the defence to vary proceedings to the prosecutor.
- Officers must contact a District Manager or the Head of Service to agree any variation in proceedings but an investigation officer can agree with a prosecutor:
 - ✓ When attempts to contact a manager have failed.
 - ✓ When the prosecutor advises that it is unlikely to secure a conviction at the higher or lesser charge.
 - ✓ When any court direction has been given.

- Investigating officers should fully document the reasons presented by the prosecutor for future reference.
- All designated officers will be aware of the limits of their delegated power by reference to any statutory power, codes of practice and the principals set out in this policy document.

Part 11

“Enforcement Options”

The Purpose

- (a) The purpose of this section is to state the EIS policy with respect to;
- Achieving and maintaining consistency concerning enforcement action within our delegated powers.
 - Ensuring commitment to an approach in all enforcement decisions that is fair and balanced and relates to common standards.

Enforcement Options

- (a) To take no or informal action
- (b) To issue Statutory Notices, Fixed Penalty Notices, Warning Notices
- (c) To issue/apply for Statutory Orders
- (d) To issue Formal Written Cautions
- (e) To support or undertake joint investigations with other enforcement agencies
- (f) To prosecute

The Policy

- (a) Informal Action - The EIS may take steps to address non-compliance with the relevant legislation through, in the first instance negotiation. This could be via home visits, visits to business premises, meetings at schools, the EIS offices or the issue of written warnings. Where compliance has been met no further action

will be taken, however, the information may be retained on file for future reference.

(b) Informal action may also include;

- General advice
- Verbal advice
- Requests for action in writing

(c) Informal action may be taken in the following circumstances;

- Where an act or omission is not serious enough to warrant formal action as it falls outside of the requirements of a PN or not considered serious enough to initiate proceedings
- Previous history that will achieve compliance
- Confidence in the other party

(d) Informal action will only be considered where non-compliance will either not pose a danger to a child's benefit of regular access to education, or the health and welfare of a child engaged in part time employment or entertainment.

(e) Results of informal action will more often than not be dealt in letterform.

(f) Where informal action is taken, legal requirements and recommendations must be clearly differentiated.

(g) Instructions to ensure compliance must be clear to allow them to be understood by those receiving communication from the EIS.

(h) The policies for, Statutory Notices, Orders, Questioning and Treatment, Formal Cautions and Prosecutions are dealt with earlier in this policy document.

(i) Whilst the EIS has access to translation services to aid investigations it is the responsibility of the individual to seek to understand the contents of any written communication as they would with any form of post coming to the home.

Part 12

“Complaints”

Purpose

This section deals with complaints with specific reference to the Enforcement Procedures operated by the Education Investigation Service.

General

- (a) The EIS welcomes feedback from all members of the public with regard to its enforcement policy.
- (b) The Enforcement Policy sets out what members of the public can expect from the EIS in its role as Enforcer.
- (c) It commits its regulatory service to good Enforcement Policies and Procedures.
- (d) Enforcement will be equitable, practical, and consistent and governed by acceptable time constraints.
- (e) The EIS is committed to taking firm action when it is appropriate.

10. 2 the Key Objectives

- (a) The EIS across all service activities operates across three key objectives to support its statutory functions and they are:
 - ✓ PREVENT – where possible prevent all forms of offending
 - ✓ PROTECT – protect children from exploitation and abuse and their rights to education
 - ✓ PURSUE – all those who break the law
- (b) The service ensures it’s consistency in delivery through a term known as JAPAN
 - ✓ JUSTIFICATION – That the action taken is justified
 - ✓ ACCOUNTABILITY – That we are fully accountable for the actions taken
 - ✓ PROPORTIONATE – That our actions are proportionate to the intervention taken

- ✓ AUTHORISED – that we are authorised to do what we do by law
- ✓ NECESSITY- That the action taken is necessary in the circumstances

How to complain about the service offered

- (a) Members of the public are encouraged to make representation to the Head of Service if they are not satisfied that the EIS is undertaking its enforcement action in an open and consistent manner.
- (b) Members of the public subject to the process are encouraged to make representation to the Head of Service if they are not satisfied that the process was delivered in an efficient, prompt and helpful manner.

Making a Complaint:

- (a) Members of the public are enabled to complain at any stage of the process.
- (b) The complaint should be made in writing to:

The Head of Service
Education Investigation Service
Directorate of Children's Services
The Council House,
Priory Road,
Dudley,
West Midlands, DY1 1HF

- (c) The complaint will be dealt with within six working days.
- (d) If the complainant is not satisfied with the response, an appeal can be lodged in writing within 10 working days to the Director of Children's Services.
- (e) It is only possible for the Head of Service to deal with complaints about the process of enforcement. ***It is not possible for them to deal with the outcome in a court of law; this is subject to legal review.***

