

## Information Requests

PP B3E 2  
County Hall  
Taunton  
Somerset  
TA1 4DY

Please ask for: Louisa Gosling  
FOI Reference: 1394766  
Direct Dial: 07523928640  
Email: xxxx.xxxxxxxxxx@xxxx.xxxxxxxxxx.xxx  
Date: 13 September 2016

Mr Jon Platt

Dear Mr Platt

Please accept our apologies for the delay in providing this response to your information request.

We have experienced a dramatic increase in the volume of information requests received over the past few months and have limited staff resources available to provide responses.

## Freedom of Information Act 2000

I can confirm that most of the information you have requested is held by Somerset County Council.

Our answers are underneath your questions as follows:

### Question 1.

- a) I'd like to know how many TPNs (Truancy Penalty Notices) in total have been issued each month for the last 3 years and
- b) how many have been withdrawn each month for the last 3 years.

### Answer 1.

- a) A truant is a child who absents her/himself from school without the knowledge of either a parent or the school. A "Truancy Penalty Notices" would presumably concern a penalty directed *at* truant children. We do not issue such notices to children.

However, where requested to do so by Head Teachers, we may issue penalty notices to *parents* who have condoned the absence of their child from school.

The number of such penalty notices issued over the last 3 academic years are as follows

2012/2013	93
2013/2014	614
2014/2015	1359
2015/2016	848 (to date)

b) Notices are withdrawn when a Section 444 prosecution is brought, please see answer 2 below.

We do not record this information on a per month basis.

In order to determine in which month a notice was issued we would have to examine over 2900 individual files and manually extract this information. We estimate that would take at least one minute per file. Therefore the total time required 48 hours in total. Section 12 of the Freedom of Information Act sets the “appropriate limit” for costs of compliance at £450 (i.e. for Local Authorities). It also sets the appropriate cost for staff time at £25/hour. The 48 hours required to respond to this element of your request thus equates to a cost of £1200 which clearly exceeds the appropriate limit. For this reason we will not be providing this information.

## **Question 2.**

Also how many prosecutions were brought where the allegation was a breach of s444 of the Education Act 1986 in the last 6 years? Include all prosecutions, i.e. those where the summons was issued after a failure to pay a TPN AND prosecutions brought where no TPN had been issued.

## **Answer 2.**

All unpaid notices are withdrawn, and a Section 444 prosecution is brought, as required by the Department of Education.

We do not record cases brought following non-payment of a penalty notice separately from other non-attendance cases.

The total numbers of Section 444 prosecutions brought in each academic year are as follows:

2012/2013	107
2013/2014	185
2014/2015	347
2015/2016	155 to end of June 2016.

**Question 3**

Can you provide % of prosecutions that resulted in an acquittal, what % did the parents plead guilty to, and what % did they plead not guilty.

**Answer 3**

No acquittals have occurred in the last 5 years.

Over the past 5 years approximately 95% plead guilty.

5% plead not guilty and a trial occurs; however all have been found guilty to date.

**Question 4**

Can you tell me how many prosecutions have been started and later withdrawn?

**Answer 4**

8 since September 2015

**Question 5**

What % of the total summonses quoted attendance dates of longer than 3 months?

**Answer 5**

When bringing a prosecution a local authority can present attendance dates up to 26 weeks preceding the last unauthorised absence.

In cases taken to Court fuller, attendance information may be made available should Magistrates request it.

**Question 6**

How many TPNs were issued where the child was not of compulsory school age and how many of these were paid?

**Answer 6**

Zero as to do so would be illegal.

**Question 7**

Can I also have a copy of the code of conduct on school attendance / truancy penalty notices

**Answer 7**

Somerset County Council's Penalty Notice Code of Conduct can be downloaded from

<http://www.somerset.gov.uk/policies-and-plans/policies/school-attendance-and-children-missing-education/>

Please quote the reference number 1394766 in any future communications.

If you feel your request has not been answered in sufficient detail, or if you wish to clarify the information given, please contact me, and I will be happy to address the issues you raise.

Alternatively, if you are not satisfied with our response you may request an internal review. This is an independent investigation into the handling of your request, which is carried out by the Information Governance Team. The conclusions of this investigation, and if applicable, a fresh decision about the information to be provided, should be sent to you within twenty working days of receipt of the internal review request.

To request an Internal Review please respond to the email that this response was attached to detailing why you are not satisfied, and your request will be dealt with by the information governance team.

If you are not content with the outcome of the internal review, you may then appeal directly to the Information Commissioner's Office with your complaint.

The Information commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Web address: [www.ico.gov.uk](http://www.ico.gov.uk)

I will now close your request as of this date.

Yours sincerely

Louisa Gosling  
Information Governance Officer