

SECTION 9 WITNESS STATEMENT GUIDANCE

An S9 statement is a **formal written account** used in court when a parent is prosecuted for their child's poor school attendance

👉 It explains what the school did and why legal action is needed

✗ **WHAT NOT TO WRITE:**



“Parent did not engage. Meetings missed. Attendance declined. So, a NOI/NTI was sent to parent”

✅ **WHAT TO WRITE:**



- “On 30th August 2025 I wrote to Miss Lewis raising concerns about Ethan's attendance and warned of possible legal action should his attendance continue to decline (Exhibit 1 – Letter).
- On 9th September 2025 I invited Miss Lewis to a meeting on 16th September; she did not attend and did not call to reschedule.
- On 17th September 2025, I carried out a home visit...”
- “As a school we have offered many avenues of support such as...”

Key points:

Write in clear paragraphs, not bullet points

Use full dates (29th May 2026)

Add the dates of letters sent, meetings arranged and home visits taken place

Keep it factual

Focus on the key actions, support offered, outcomes and non-engagement – **INCLUDE THE DATES**

Attach all letters/evidence mentioned in the statement when returning the S9 to us

An S9 statement is written when:

- A case is going to prosecution under s.444(1 or 1A) of the Education Act 1996
- A general penalty notice was not paid, and evidence is necessary to show why a PN was issued in the first place
- Attendance has not improved despite support being put in place

WHAT THE STATEMENT MUST COVER:



Background

- Child's name, parent's name, address, POP dates
- Overview of attendance concerns

A clear timeline (in date order)

Include ALL actions taken and DATES:

- Letters sent
- Meetings (and if attended or missed) and outcomes
- Phone calls / contact attempts
- Home visits
- Referrals (e.g. Family Help) and outcomes

Support Offered

- What help the school provided
- Whether it was accepted or refused

Non-Engagement

- Missed meetings/No responses/Support not taken up

Warning

- Final warning letter about legal action

Checklist not met = Insufficient S9

USE YOUR CHRONOLOGIES



Remember, the Magistrates do not have any previous knowledge of this case, so they need to clearly see what happened and why the prosecution was necessary.

If the statement lacks the details to accurately paint a picture for the Magistrates to see what the case is about, it would be open to challenge and is unlikely to satisfy the evidential burden required for a successful prosecution.