

ANGUS COUNCIL

EDUCATION COMMITTEE - 4 JUNE 1996

APPOINTMENT OF PRIVATE PROSECUTOR (TRUANCY)

REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION

ABSTRACT

This Report explains the benefit to the Council of appointing an appropriate officer as prosecutor of parents whose children are not attending school regularly.

1. RECOMMENDATION

It is recommended that the Committee agree that Alistair R Doig, Head of Legal Services (Contractor) be authorised to institute proceedings on behalf of the Council as Education Authority against the parents of children who are reported by Head Teachers as failing to attend school regularly, where the institution of such proceedings has been requested by the School Attendance Sub-Committee.

2. BACKGROUND

An education authority may invoke various measures to ensure that a child of school age attends school regularly. One of these measures is to prosecute the child's parents in terms of Section 35 of the Education (Scotland) Act 1980. In terms of Section 43(2) of the said Act a prosecution may be commenced either by the Procurator Fiscal or by another person authorised by the education authority to institute proceedings on their behalf.

Some years ago the Procurator Fiscal made it clear that, due to a very heavy work-load comprising crimes of a more serious nature, he was unlikely to be able to find the time for prosecutions of this nature. Because of this situation the previous education authority, Tayside Regional Council, appointed their Legal Services Manager within their Department of Law and Administration as their private prosecutor for the purpose of the Education (Scotland) Act. The Director of Education has indicated that he considers it necessary for the Council to be in a position to invoke the power of prosecution when appropriate and it is accordingly necessary to recommend that an appropriate officer of Angus Council be authorised in terms of the Education (Scotland) Act 1980 to institute such proceedings.

3. FINANCIAL IMPLICATIONS

There are no financial implications.

4. CONSULTATION

The Chief Executive, Director of Finance and the Director of Education have been consulted in the preparation of this Report.

CATHERINE A COULL
DIRECTOR OF LAW AND ADMINISTRATION

NOTE: No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) have been relied on to any material extent in preparing the above Report.