

		AGENDA ITEM 6a
		CYP/23/12
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School attendance in Essex		
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Introduction

Regular school attendance is vital to improve children's life chances. There is a strong correlation between attendance and achievement. Many persistent absentees become NEET (not in employment, education or training) and regular absence from school has been highlighted as a common factor of young prisoners.

Children and young people are absent from school for a variety of reasons, some are absent because they are unhappy in school, due to issues with peers or teachers or unable to cope with the work, others stay at home to look after parents or siblings, some parents remove their children from school for family holidays, whilst others are regularly absent for minor ailments. Young people may play truant, ie are absent from school without the knowledge of their parents or are absent with the full knowledge of their parents. This is an issue which must be addressed early, as irregular school attendance can easily lead to entrenched school absence, which is then much more difficult to redress. Research and our own practice has identified the difficulties experienced when reintegrating back into school routine and attempting to cope with work missed.

Background

The previous Government introduces Attendance Leaders within the National Strategies programme, who held Local Authorities to account for poor schools attendance. The number of persistent absentees (PA) were counted - a PA was a pupil missing 20% or more sessions. Schools with high numbers of PAs were identified nationally as priority schools and LAs were expected to work intensively with such schools. Schools were also expected to have Attendance Leaders within their senior leadership teams.

Essex embraced this stringent approach to improving attendance and the Education Welfare Service, who lead on all matters related to school attendance, worked very closely with priority schools, advising on and supporting good practice for whole school attendance strategies to improve attendance. This resulted in good improvement. The number of secondary PAs reduced in Essex from 7.2% in 2006/7 to 4.1% in 2010/11.

Last year the Department for Education (DfE) reduced the threshold at which a pupil is defined as 'persistently absent' to 15 per cent., the rationale for this being that whilst the best schools intervene early when a child stops attending, some schools only take action to intervene when pupils near the persistently absent threshold, but nearing 20 per cent is too

late. They believed that lowering the threshold will ensure that schools take action sooner to deal with absence

The DfE are now driving the shift from local authority funding to schools, encouraging greater autonomy of schools to manage their responsibilities. This has impacted on the Education Welfare Service - 30 posts were cut to meet the required savings last year. The Service restructured to achieve a more streamlined, flexible workforce and schools and academies now pay for non-statutory work.

Data

In 2010/11, Essex had 171,320 school age pupils on roll. Using the criteria of 15% absence, 8.5% of Secondary pupils, and 3.4% of primary plus 15.8% Special School were persistently absent (PA) pupils totalling 10,051 PAs in Essex for 2010-11.

Figures are not yet available to compare for the whole academic year 2011/12. However, Essex's position, nationally, for overall absences in Autumn 11/Spring 12 is in the bottom quartile i.e. for Secondary 109th and Primary 74th out of 150 local authorities. Persistent absence for this period places Essex 81st for Primary and 102nd for Secondary.

DfE figures for Autumn/Spring 2011/2012

2011/12 Absence Comparisons - Autumn 2011 and Spring 2012								
Primary - Including Academies				League position of		PA % (15% Def)	League position	
	Auth %	Unauth %	Overall %	152 LAs	11 SNs		152 LAs	11 SNs
Essex	3.90	0.50	4.40	74	8	3.30	81	9
Eastern Region *	3.90	0.60	4.50	106		3.50	104	
Stat. Neighbours*	3.77	0.46	4.23	52		3.05	53	
National Ave. ¹	3.70	0.60	4.40	76		3.40	76	
Secondary - including academies				League position of		PA % (15% Def)	League position	
	Auth %	Unauth %	Overall %	150 LAs	11 SNs		150 LAs	11 SNs
Essex	4.80	1.20	6.00	109	11	7.10	102	10
Eastern Region *	4.70	1.20	5.80	93		6.80	84	
Stat. Neighbours*	4.62	1.09	5.70	76		6.78	78	
National Ave. ¹	4.40	1.30	5.70	75		6.80	75	
¹ Mid point of 'league table'								
* Average of 'league table' positions of authorities in the group								
NB it is statistically valid to be one side of the 'mid point' and have an 'average' that is the other, this is due to the 'weighting' effect of authorities of different size.								

The EWS are now charging for early intervention work and as a result the local authority EWO is no longer invited into all schools to discuss attendance on a regular basis, which focused schools on timely intervention.

This academic year, 2012-13, the EWS is using the RAG system to identify schools in Essex who have poor attendance, by applying the OFSTED criteria for poor attendance as set out in the OFSTED subsidiary guidance September 2012 which is set at below 91.67% (8.33% absence) for secondary and 93.27% (6.73% absence) for primary. Currently there are 7 secondary and 37 primary schools in this category.

Duties and Responsibilities

Parents

It is the duty of all parents to ensure their children receive efficient full time education either by regular attendance at school or otherwise*, as defined by the Education Act 1996 Section 7. If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his/her parent is guilty of an offence. (Section 444 Education Act 1996)

A penalty notice of £60 may be issued by authorised personnel as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty. If the penalty notice remains unpaid after 42 days the fine then increases to £120.

Parents should contact the school if their child is ever absent. If requested, they should provide evidence of absence, such as a medical appointment or prescription.

If parents wish to remove their child from school for the purpose of a family holiday for exceptional circumstances, they must apply to the school using the correct application form. If the school do not agree to the application, the absence will be marked as unauthorised and the school may apply to the LA to issue a penalty notice.

Schools

Schools are responsible for safeguarding children and ensuring attendance rates are high to increase academic ability. OFSTED evaluates learner's attendance in comparison to national figures for mainstream schools as part of the judgement on behaviour and safety. Comparisons are made with the attendance figures for the lowest 10% of schools in 2010/11 when deciding if attendance is consistently low.

It is important that school attendance is given a high profile within the school, clear attendance policies are sanctioned by senior leaders, governors and staff, who are accountable for attendance rates. Examples of good practice include rewards for good attendance, class attendance league tables, poster competitions, questionnaires on how attendance can improve etc.

Schools must keep attendance registers in accordance with the Pupil Registration Regulations and use codes to identify reasons for absences.

It is for the school to decide whether to authorise an absence, taking into consideration the reason given by the parent for absence.

It is vital that irregular attendance is identified and the reasons for absence are addressed early. Schools should track all PAs, and have individual action plans for each one, with a named member of staff supporting the child. Meetings should be held with parents to agree appropriate action plans and if there is no improvement

Where attendance does not improve following school intervention, schools and academies are able to use the expertise of outside agencies to assist, including the EWS.

Local Authority

The EWS fulfils the LA statutory responsibility regarding school attendance by investigating the circumstances of absences and applying for Education Supervision Orders and carrying out the duties of the supervising officer, issuing penalty notices or undertaking proceedings within the magistrate's courts against parents who do not ensure their children's regular attendance. EWOs also act as responsible officers if parenting orders are issued when parent found guilty of the offence. (appendix (i))

The EWS case management system provides a systematic step approach to legal intervention, being mindful of public spending money and the right to a child to receive an education. If an EWO's assessment concludes that a penalty notice may improve a child's school attendance then a penalty notice will be issued, if this does not bring about the desired outcome then further evidence would be gathered to be reviewed by the EWS legal panel before proceedings are taken under Section 444 in the magistrates court, usually these proceedings are taken on the lower offence, where a maximum of £1,000 fine can be issued. If further concerns arise the matter may return to the magistrate's court under the higher offence when the maximum disposal is 3 month custodial sentence.

When an EWO's assessment concludes that a parent is genuinely unable to ensure regular attendance an Education Supervision Order is applied for through the Family Courts. When an order is granted the EWS take joint responsibility with the parents to ensure regular attendance and work is undertaken to empower, direct and support the parents for one year.

Additionally, penalty notices are issued to parents removing their children from school for a family holiday. These were introduced in 2005 and schools advise this consequence is very beneficial in deterring term time holidays. Any school absence disrupts a child's education and they never have the opportunity to catch up on work missed. DFE state that parents should not normally take pupils on holidays in term time, there is no right to withdraw children for a family holiday. It is for the schools to decide whether to authorise a request for a holiday if they believe there are special circumstances which warrant it. The Cabinet Member for Education and Lifelong Learning is clear that discretion should be used and that there are circumstances when a term time holiday might be considered appropriate based on a families' circumstances.

Table 1 illustrates the number of cases the EWS processed through the available legal processes in 2011-12.

Table 1: Legal Sanctions 2011-12

Legal Sanction	Total Number
Penalty Notices	184 Casework 261 Term time holidays 4 issued for pupils in a public place whilst excluded
Prosecutions: Section 1	140
Section 1A (Higher Offence)	16
School Attendance Order (issued when parent their child does not enrol at a school)	4 (62 parents received warnings which resulted in enrolling at a school)
Education Supervision Orders	26

The local authority challenges schools on illegal and poor practice, such as inappropriately removing pupils from the school roll, encouraging parents to educate at home and illegal use of absence codes.

The EWS can also provide, at a charge, a range of training programmes for staff and initiatives to schools to improve attendance and punctuality, including school attendance meetings; register sweeps (calling at all homes where no reason for absence has been provided on a specific day); late gates; early bird; pupil voice; attendance awareness sessions with pupils and/or parents. These are not used by schools as frequently as previously now that charges are made for this service.

School attendance sweeps are undertaken with the police in areas where there is high absence rates - these are dependent on police resource, and have reduced over the past two years, but we are currently liaising with the police to increase these as it is important that communities know that school attendance is important and we have found that publicity around school attendance and possible consequences have had positive effects.

During the past twelve months, since EWS have started charging for services, some schools and academies have opted to employ their own EWO to undertake casework and we have also seen the emergence of independent companies (currently operating in NE & West Essex) that include an independent company obtaining accredited persons status from the police to enable them to issue penalty notices for unauthorised absences. The Code of Conduct has been changed to facilitate this and a process put in place for the EWS legal panel to advise on expected standards of evidence to issue the penalty notices.

The newly formed Family Solutions Service will be providing a voluntary service to families in Essex. Referral to the Service is via pre-set criteria. These include an adult within the household receiving out of work benefits and a child with more than 3 fixed term exclusions or 15% unauthorised absences or more from school across the previous 3 consecutive terms. The EWS are currently working closely with Family Solutions to ensure joined up working to achieve best outcomes.

*Parents can legally opt to teach their children at home

Appendix (i)

Legislation pertaining to school attendance

- The Education Act 1996
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education Act 2002
- The Education (School Day and School Year) (England) Regulations 1999
- The Changing of School Session Times (England) (Revocation) Regulations 2011
- Crime and Disorder Act 1998
- The Anti-social Behaviour Act 2003
- The Education Act 2005
- The Education and Inspections Act 2006
- The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007
- Magistrates' Courts (Parenting Orders) (Amendment) Rules 2007
- The Education (Penalty Notices) (England) Regulations 2007
- The Education and Skills Act 2008
- The Education (Penalty Notices) (England) (Amendment) Regulations 2012
- Copy of Attorney General's Guidelines for Crown Prosecutors
- Police and Criminal Evidence (PACE) Act 1984