

Children and Young People Policy and Scrutiny Committee

10:00	Thursday, 06 December 2012	Committee Room 1, County Hall
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NB There will be a pre-meeting for Committee Members only at 9.30am, in Committee Room 1

Quorum: 5

Membership

Councillor T Chapman	Chairman
Councillor S Barker	Vice-Chairman
Councillor J Baugh	
Councillor A Brown	
Councillor R Callender	
Councillor J Deakin	
Councillor I Grundy	
Councillor E Hart	
Councillor T Higgins	Vice-Chairman
Councillor S Hillier	
Councillor L Mead	
Councillor D Morris	
Councillor R Pearson	
Councillor T Sargent	
Councillor J Young	

Non-Elected Members

Richard Carson
Stuart Geddes
Rev Richard Jordan
Marian Uzzell

For information about the meeting please ask for:

Matthew Waldie , Committee Officer

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Email: matthew.waldie@essex.gov.uk



Essex County Council

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Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Apologies and Substitution Notices The Committee Officer to report receipt (if any)	
2	Declarations of Interest To note any declarations of interest to be made by Members	
3	Minutes - 1 November 2012 To approve as a correct record the minutes of the meeting held on 1 November 2012 (copy herewith).	7 - 14
4	Matters Arising/Chairman's Report	
5	Special Educational Needs and Disability (SEND) - CYP2212 To consider a report, CYP/22/12, on the Special Educational Needs and Disability (SEND) strategy in Essex. Tim Coulson, Director for Education and Learning, will be in attendance, to respond to Members' questions.	15 - 20
6a	School Attendance in Essex - CYP2312 To consider a report, CYP/23/12, on school attendance in Essex. Tim Coulson, Director for Education and Learning, will be in attendance, to respond to Members' questions	21 - 28
6b	Academic results in Essex To receive an update on the latest figures, from Tim Coulson, Director for Education and Learning.	

7 Forward Look

To note that the agendas for the next two meetings will include the following items:

JANUARY

- Families with Complex Needs
- Children's Centres

FEBRUARY

- Domestic violence issues
- Ofsted inspection outcomes
- Peer review outcomes

8 Date of Next Meeting

To note that the next Committee activity day is scheduled for Thursday 3 January 2012, and to confirm whether there will be a meeting on that day. The following dates are reserved for this Committee as activity days, and may comprise:

- Meetings in private
- Meetings in public
- Working groups
- Sub-Committee meetings
- Outside visits

Thursday 7 February 2013

Thursday 7 March 2013

Thursday 4 April 2013

9 Urgent Business

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

10 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

MINUTES OF A MEETING OF THE CHILDREN AND YOUNG PEOPLE POLICY AND SCRUTINY COMMITTEE HELD AT COUNTY HALL, CHELMSFORD, ON THURSDAY 1 NOVEMBER 2012

County Councillors present:

T Chapman (Chairman)
S Barker (Vice-Chairman)
R Callender
J Deakin
I Grundy

E Hart
T Higgins (Vice-Chairman)
Cllr S Hillier
T Sargent

Non-Elected Voting Members present:

Mr R Carson
Rev R Jordan

The following Members were also present:

Councillor R Gooding
Councillor R Madden
Councillor V Metcalfe
Councillor C Riley

Items 1-6

The following officers were present in support throughout the meeting:

Graham Redgwell
Vivien Door

Governance Officer
Principal Committee Officer

The meeting opened at 10.00 am.

1. Apologies and Substitutions

The Committee Officer reported the receipt of the following apologies:

Apologies	Substitutes
Cllr J Baugh	
Cllr A Brown	
Cllr L Mead	
Cllr D Morris	
Cllr J Young	
Cllr R Pearson	
Mr S Geddes	

2. Declarations of Interest

Councillor Callender declared that he had a daughter working in Social Care in Suffolk and Councillor Sargent declared that she was a Cabinet Member for Community Services at Basildon Borough Council. Both were personal interests. There were no other declarations of interest.

3. Minutes

The minutes of the meeting of the Children and Young People Policy and Scrutiny Committee held on 4 October 2012 were approved as a correct record and signed by the Chairman.

4. Matters Arising

Minute 5, MAAGs Report, under the information requested. The Governance Officer informed the Committee that the information requested would be sent out today.

Minute 6, YEA Updates. The Chairman indicated that she would meet with Sheila Woodward, Head of Service, Involvement of Children and Young People, later today.

5. Essex Families Pilot Scheme / Families with Complex Needs

Members received an oral report from Councillor Gooding, Cabinet Member for Children's Services and Dave Hill, Executive Director for Schools, Children and Families

Introduction

Troubled Families Project

This was a Government scheme, and Essex is part of the Pilot project. These families have struggled over many years and, often, generations. Families accepted under the scheme need to meet the following criteria:

- At least one Adult not in work;
- Children with school attendance issues;
- Members of the family with anti-social behaviour or criminal involvement.

Each Local Authority must have a service plan for the Troubled Families Project in place by March 2013. The Government would provide ring fenced funding to help these families.

Complex Families

These families have the most difficult and complex issues which normally include all or some of the following:

- At least one Adult not in work;
- Children with school attendance issues;
- Members of the family with anti-social behaviour or criminal involvement;
- Domestic Violence Abuse;
- Drug and Alcohol Abuse;
- Teenage Pregnancy.

The Service had produced a Business Case to set up a Multi-Disciplinary Team in each District, by October 2014 although some Districts, (for example, Basildon and Tendring) may need two teams in the longer term.

Complex and Troubled Families

The County had decided to join up its work for both the Complex and Troubled Families through the creation of Multi-Disciplinary Teams, with professionals from the following agencies:

Core Professionals

- Social Workers;
- Health Professionals;
- Job Centre Plus;
- Drug and Alcohol Service;
- Housing.

Professionals used as appropriate

- Apprenticeship Services;
- Access to Early Child Care;
- School Admissions Services;
- Any other services as appropriate for the individual families.

The Service had identified more than 6,000 Troubled Families with between 8,000 to 10,000 Complex Families.

Multi-Disciplinary Team

Over the next six months the Multi-Disciplinary Team would work with the 380 identified Troubled Families for the Pilot Scheme. Each family would have a Core Worker who would negotiate with the Family on how to improve their particular issues. The Core Worker will be identified as the most appropriate officer to work with the family and may be drawn from any of the agencies who were part of the Multi-Disciplinary Team. This Core Worker would share the family's information with other agencies as appropriate and would liaise with agencies to provide the required support. If a family required high level expertise from a particular agency then an officer from that agency would work directly with the family.

Work would take place with Complex Families next year. Agencies have signed up to work as a Multi-Disciplinary Team. An example was given that one particular family received 110 visits from different agencies in one year, which proved very invasive for the family and would have cost the agencies a total of £150,000.

Volunteers

It had been recognised that Complex and Troubled Families often receive support from agencies but then are unable to cope when support is removed. It had been decided to use volunteers to befriend these Families and work with them over a two to three year period providing support when required. The same approach had been used in the London Borough of Bromley and by Southend on Sea Borough Council. Over time it was hoped that each family

could have a volunteer/mentor to help them with any support or advice they required.

The Community Services Volunteer (CSV) nationally provides intensive training for volunteers working with challenging families. Initially volunteers already in the system would be approached, before widening the initiative to extra volunteers. £1 million would be provided initially to support and train these volunteers.

Discussion

During the discussion the following points were made:

Troubled and Complex Family Scheme

- That this would be a costly process but all agencies recognised that it would help families and provide value for money in the long term. Maintaining the current styled provision was not an option;
- Tanya Gillett, Head of Youth Offending Service would be recruiting officers to the teams to begin working with the 380 Troubled Families in November 2012;
- The Multi-Agency Team Project Leaders could be invited to attend scrutiny sessions on a regular basis, with statistical information. Tanya Gillett would be invited in the first instance;
- It was expected that this work would grow and that in the future external agencies may be commissioned to provide the administration service for volunteers;
- Families would have a contract drawn up regarding the changes they needed to make to improve their lives. Most families want to be helped and would be amenable to this. The professionals would be robust with the families when required;
- The County would pay for CRB checks for the volunteers.

Core Workers

- The Core Workers would have a case load of six to seven families, whilst the Volunteers would work with one family;
- Generic Social Workers were now carrying a caseload of 15 families, previously in 2010 they had 25 to 30 cases;
- In response to recent police cases involving local murders, Social Workers have been co-located in Chelmsford Police Station for a six month trial period to provide a joint response to such cases across the whole of the Essex Police boundaries.

Volunteers

- Volunteers would be paid expenses only;
- Some of the Government funding provided for Troubled Families was designated for supporting and training volunteers and would be available for a three year period;

- Members were concerned that Volunteers may suffer abuse from the families and would therefore need to have supervision and support;
- Volunteers would be used at the end of the process once the families were reasonably stable requiring support and advice and therefore should not be placed in dangerous situations;
- The London Borough of Bromley model provided high level training, support and supervision for the Volunteers to enable them to provide the Troubled and Complex families with extended support. Normally when families were removed from the Child Protection Plan 20 percent went back on Child Protection. By using these Volunteers London Borough of Bromley reduced this slippage remarkably;
- The London Borough of Bromley paid their Volunteers;
- Professionals would provide the family with short term intervention whilst volunteers would provide longer lower level support and advice;
- Members were concerned that there may be a mismatch of volunteers and the areas where families needed help. Volunteers could support the family over the telephone but face to face contact would be preferable;
- Faith Groups should be included in any volunteer workshops.

Education

- Evidence shows that families who support their children's education work well, but that the majority of the Troubled and Complex Families struggle to engage with their children's education and learning;
- Skills could provide a way out of economic difficulties for individuals.

Benefits and Housing

- The Department for Work and Pensions was working with Schools Children and Families Directorate as some of these families may have budgetary consequences from the benefits changes due in 2013;
- Some District Councils have transferred their housing stock to Social Landlords, in these cases the Social Landlords were invited to become part of the multi- disciplinary team. Regular meetings were taking place with either the District Councils or Social Landlords to engage housing agencies in this work;
- Due to the cap on housing benefits some London Boroughs were moving families into Essex housing stock, including caravan parks. The County were not responsible for these families but does have to provide schools and other infrastructure.

The Divisional Based Intervention Team (DBIT)

- The Divisional Based Intervention Team (DBIT) was working with teenagers to try to keep them out of Care. Parents who previously had abandoned older teenagers in the expectation that they would be housed in their own accommodation were now informed that the teenager would be placed with a Foster Family. There were now less parents wishing to abandon their teenagers;
- When teenagers need protection they were brought into Care.

Medium and Long Term Objectives

- Monitoring would take place with the families although it will take many years to evaluate the work;
- All County Members should be provided with a briefing session on this scheme. Members would therefore be able to cascade the information to their Districts.

The Committee **Agreed** that:

- i) A briefing session would be set up for all Members on the scheme;
- ii) The Multi-Agency Domestic Violence Pilot scheme should continue to be scrutinised at future meetings;
- iii) Dave Hill would provide for Members an acronym glossary with a brief description of the initiative/team and indicate where initiatives had changed names.

6. Schools Children and Families Procurement

Members received an oral report from Councillor Gooding, Cabinet Member for Children's Services, Dave Hill, Executive Director for Schools, Children and Families and Suzie Goodman, Interim Head of Externally Commissioned Placements and Family Support Commissioning and Procurement.

The Committee was reassured that children are only placed in residential care if absolutely necessary. When the County had 1600 Children in Care the Service was often struggling to locate placements close to their homes. Now that there were less Children in Care (currently about 1300) it was easier to find placements. Annually there is a turnover of approximately one third of the Children in Care population, some leave Care through adoption; others at 18 leave Care and move to Adult Services. Currently there were more children in the lower age group coming into Care than the teenager group. More Foster Carers were being recruited above the number that were retiring or leaving. The closure of the County's Children's Homes had not meant that private Residential Homes have necessarily been used, as these young people have mainly been placed with Foster Carers. Residential Care was only used if it was the correct placement for the child. Members were reminded of the issues arising from the Rochdale Case. Young people were only placed in Residential Homes that have received a good or outstanding Ofsted Report.

Placements usually breakdown due to young people having difficult histories with very few boundaries set. It then becomes difficult when Foster Carers and staff try to put the boundaries/discipline in place. When placements breakdown, urgent new placements were located. Currently 100 young people were placed in Residential Homes; this number had reduced from 2010 when there were 140 young people placed. Of the young people placed in Residential Care a third were placed in Essex, a third in authorities bordering Essex and a third placed further away from Essex. Block booking contracts are not used.

The Service was keen to develop services locally in partnership with Education resources which may be required. The Sufficiency and Commissioning Strategy

identifies gaps and / or needs in provision in or close to the Essex borders able to meet the needs of the following groups of children and young people:

- Children and young people with autistic spectrum disorders and challenging behaviour;
- Young men who exhibit sexually harmful behaviour, including supporting them to access local educational provision;
- (Mostly) young women who place themselves at risk of serious harm through sexual exploitation or self-harming behaviour;
- Children and young people who have been sexually abused and who need specialist care and support;
- Young people who display particularly challenging behaviour and require small children's homes with integrated education and sometimes also therapeutic support.

Members were concerned that they were unable to carry out visits to external provider Childrens Residential Homes. The Cabinet Member for Children's Services informed the Committee that this was being reviewed by the Corporate Parenting Panel and a framework was being drawn up. This framework would be presented to the Corporate Parenting Panel at its next meeting. A Member sub-group would be provided with additional training to carry out this work.

During the discussion the following points were raised:

- The Local Authority which places a young person in Care remains ultimately responsible whether the young person is within its borders or further away from home;
- Approximately 600 young people have been placed in Essex from other Local Authorities, (with 400 from the London Boroughs);
- Members were concerned that Childrens Residential Homes were chosen on good or outstanding Ofsted inspections but this had not always been an indicator of an appropriate home;
- The Service plan that young people should only be in Residential Homes for a shortest time as possible;
- Members were concerned that children and young people should receive the service that they deserved within the allocated funding, as it was felt that the provider did not always provide the resources requested within contractual arrangements;
- Members did not want to lose their Corporate Parenting duties;
- A number of Childrens Residential Units in the future would be designed to hold two or three young people rather than much larger groups.

The Committee wished the issue around Member Visits to be resolved in future and for advice to be available for the new Council in May 2013.

7. Forward Look

The agenda items already agreed by the Committee for the remaining meetings in 2012/13 were noted.

For 6 December 2012 it was agreed that there would be two substantial items:

- SEN Strategy;
- Academic results and absence rates.

plus brief item (five minutes) in Part 2 to update on Families Safeguarding Sub-Committee.

8. Dates of future meetings

The date of the next meeting was confirmed as Thursday 6 December 2012 in Committee Room 1. The Members' pre-meeting would now start at 9.30 am and the Committee meeting at 10.00 am.

9. Exclusion of the Public

Resolved:

That the public (including the press) be excluded from the meeting during consideration of the following item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972:

PART II (business taken in private)

10. Safeguarding Update (Paragraph 2 – information relating to the financial or business affairs of any particular person (including the authority holding that information))

Items discussed at the most recent meeting of the Families Safeguarding Sub-Committee were noted. The Cabinet Member for Children's Services informed the Committee that a protocol and guidance would be available for all Members within the next few months. Members were concerned that they were unable to challenge whether the process had been correctly applied on behalf of their constituents who had contacted them. Members understood that some information was confidential and subject to data protection and that they should not be able to influence a decision but felt that as part of their role as a Councillor they needed to check that the process had been applied correctly. The Cabinet Member undertook to bear these points in mind when drawing up the protocol.

The meeting closed at 12.45 am.

Chairman

		AGENDA ITEM 5
		CYP/19/12
Date:	6 December 2012	
Special Educational Needs and Disability		
Enquiries to:	Tim Coulson, Director for Education and Learning 01245 436031 or ext. 30031 Tim.coulson@essex.gov.uk	

The current situation

According data about pupils with Special Educational Needs and Disability (SEND), there are 37,260 children and young people in Essex identified by schools as having SEND. This is 17.9% of the schools population. This compares to 19.8% nationally.

Within Essex schools there are currently 6,610 pupils with a Statement of Special Educational Needs, which is 3.2% of our school population. This is higher than the national average of 2.8% of the school population.

Between 2011 and 2012, the number of pupils in Essex schools with a statement of SEN increased from 5695 to 6640 – an increase of 16.6%. Nationally the change was a 0.2% reduction.

985 new statements were issued in Essex in 2011 – this is the highest number issued by any local authority nationally (the next highest being Kent with 755).

At Key Stage 2 pupils in Essex with a Statement under perform by 3% compared to the national average, this gap closes at key Stage 4 where pupils with a statement perform as well as the national average.

The highest numbers of pupils with School Action are placed in year groups 2, 3 and 4.

The highest number of pupils on School Action Plus or with a Statement are placed in Year groups 7, 8, 9 and 10.

Essex has considerably more pupils with Moderate Learning Difficulties (MLD) than seen nationally. In primary schools 35.4% of SEN pupils (School Action Plus & statement) have MLD as their primary need type compared to 21.8% nationally. In secondary schools Essex is 35.1% and nationally 22.7%. In special schools Essex is 30.4% and nationally 18.6%.

There has been a noticeable steady increase in Autistic Spectrum Disorder (ASD) numbers nationally since 2008. Essex numbers have fluctuated over the same period.

Behavioural, Emotional and Social Difficulties (BESD) is the only category of need where the number of pupils increases consistently from reception through to year 11. The rate of increase is steady and the same irrespective of whether pupils are in the primary or secondary phase.

The number of pupils with Speech, Language and Communication Needs (SLCN) has risen considerably in Essex primary schools from 1381 in 2008 (17.8% of SEN pupils) to 1719 (27.7%) in 2012. Over the same period the national rate has only moved from 23.8% to 24.5%.

Essex has a low rate of BESD pupils in special schools – 8.5% of SEN pupils in 2012 compared to 14.1% nationally.

The SEND data obtained between 2008 – 2012 highlights the following areas that the local authority expect to make priorities for improvement:

- ensuring earlier identification of needs and relevant support
- supporting schools to provide the correct level of support for SEN reducing the need and desire of parents for Statements of Special Education Needs (which should only be required if a school cannot address a child's needs in school)
- addressing the causes of high levels of SEN tribunals
- considering and reducing as appropriate the number of children placed in the independent sector – this is both costly in terms of placements and transport, but also takes these children away from their local communities, and in some cases their families if the distance requires them to be residential
- improving the range of SEN provision, especially for Autism spectrum disorder (ASD) provision and behavioural, emotional and social development (BESD) and including reviewing the current specially resourced provision (SRP) within the county to ensure it reflects projected need and improving the accommodation for some special schools
- the need to provide more equitable distribution of special provision across the county (the west is particularly poorly served)
- clarity on the range of need catered for within existing special schools
- the need to improve the distribution and quality of Pupil Referral Unit (PRU) facilities across the county
- the need to reduce the number of long stay placements in PRUs (these are meant to be short stay schools), especially by those with statements for BESD
- the need for a comprehensive range of alternative education provision for those who find the normal school curriculum is inappropriate and / or irrelevant
- the need to join up support services provided by the local authority and ensure that specialist support is available for individual pupils, their families and the range of educational settings

The ambition of the strategy is to improve confidence in the system by setting out a plan to achieve continuous improvement and enable Essex to frame its Local Offer. A range of proposals will be drafted under the following priority areas.

1. Improve outcomes for children and young people with SEND.
2. Strengthen and coordinate our approach to preventative work and early intervention programmes.
3. Improve partnership working and joint commissioning.
4. Preparing for adulthood
5. Improve the organisation and delivery of SEN assessments, placements and services, including joint assessment and funding arrangements for children and young people.
6. Develop a continuum of provision to meet a continuum of need.

The Strategic Context

The new SEND Policy will need to respond to legal requirements of the SEN Code of Practice (2001) with regard to assessment and provision. Local Authorities' duties in relation to the SEN and Disability Act (2001) and Disability Discrimination Act (2005) are now within the remit of the Equality Act (2010).

It must also be responsive to forthcoming changes in national policy and therefore in drafting proposals must consider the Green Paper 'Support and aspiration: A new approach to special educational needs and disability' and the 'Next Steps' document which signal the Government's intention to require local authorities to set out a Local Offer.

The purpose of the Local Offer is to enable parents and young people to see more clearly what services are available in their area and how to access them. The offer will include provision from birth to 25, across education, health and social care. It will be developed in conjunction with children and young people, parents and carers, and local services, including schools, colleges, health and social care agencies.

The strategy will reflect the main themes of the Green Paper, namely, early identification and assessment providing clarity and confidence for parents, focussing on learning and achieving, preparing for adulthood, ensuring services work together for families.

Work to date:

During 2012 two workshops were held with SEND working groups in order to help inform our research and analysis in preparation for drafting a proposed strategy. In summary a number of shared principles were from these meetings:

- * Parents / carers are the experts on their children's needs and are essential partners in decision making processes, including service delivery and design.
- * All children and young people with SEND have a right to be involved in decision making that affects their lives.
- * Families should be able to easily access information in a range of formats that is accurate, up to date and relevant.
- * Preventative approaches, early identification of educational needs and swift deployment of support should underpin provision of SEND services.

- * Parents and carers views are listened to and taken account of. There is good communication and information and they are recognised as partners in a process where there is a cultural shift away from an adversarial approach.
- * There is equality of access to services and opportunities for children and young people with SEND, including extended services.
- * Partnership working and joint commissioning is a feature of SEND provision in Essex.
- * Schools, colleges and services use funding efficiently and flexibly to achieve agreed outcomes.
- * Inclusion is everyone's business, therefore mainstream schools regard SEND as an integral part of provision which is central to curriculum planning and delivery.
- * Special schools play an important role in providing education for some children and young people and also in supporting the development of inclusion provision in mainstream schools.
- * Out of County, independent placements are only used for a small number of children and young people with severe and complex needs.
- * Resources follow children and young people with SEND through the personalisation of provision.
- * The needs of most children with SEND can and should be met in a mainstream setting.
- * There should be a range of mainstream and specialist provision to meet the continuum of need.
- * Raising achievement and narrowing the gap in attainment for children with SEND must be the aim of all education providers in Essex.

Next Steps:

January and March – We are planning to consult with the public and invite the scrutiny committee to consider our proposals during this time.

April – Officers will consider consultation responses and draft any recommendations for amendments to the policy.

May – Amended draft strategy will be presented to Cabinet Member for consideration.

Scrutiny is invited to:

- consider this report
- comment on work to date and next steps
- highlight any areas in which they would like further detail
- consider whether they would like to review the draft strategy early in the New Year and make recommendations to be submitted through the consultation process/to the Cabinet Member as appropriate.

Definitions/Acronyms:

ASD Autistic Spectrum Disorder

BESD Behavioural, Emotional and Social Difficulties

MLD Moderate Learning Difficulties

PRU Pupil Referral Unit

School Action: When a school believes a child has SEN, collects information about the child and discusses with the parents/careers what extra or difference help is required.

School Action +: When School Action appears to not be adequate, the school will seek parent/career approval to seek external advice and support. Usually a new Individual Education Plan will be developed on this advice

SEN Special Educational Needs

SEND Special Educational Needs and Disability

SLCN Speech, Language and Communication Needs

SRP Specially Resourced Provision

Statement of Special Educational Needs: A statement of special educational needs describes a child's needs and how they should be met, including what school they should go to.

		AGENDA ITEM 6a
		CYP/23/12
Date:	6 December 2012	
School attendance in Essex		
Enquiries to:	Tim Coulson, Director for Education and Learning 01245 436031 or ext. 30031 Tim.coulson@essex.gov.uk	

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

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

