

## Education Scrutiny Committee

5 April 2016

Electoral Division affected: All
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### School Attendance

(Appendix "A" refers)

Contact for further information:

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### Executive Summary

This report aims to update Education Scrutiny Committee on the levels of school attendance within Lancashire.

Sections of the report will refer to:

1. The different roles and responsibilities of parents, schools and the local authority with regard to school attendance.
2. Work done to support parents of children and young people who are failing to access the education to which they are entitled.
3. Work done to challenge parents who are not fulfilling their responsibilities in respect of school attendance.
4. Work done to support children and young people who are "missing out on education".

The report will also include information in Appendix A on Lancashire's attendance data.

### Recommendation

Education Scrutiny Committee is requested to note and comment on the report.

### Background and Advice

#### General Background

All schools are required to maintain an admissions register of all pupils at the school, and an attendance register for every school session recording whether every such pupil is present, absent, attending an "approved educational activity" or unable to attend due to exceptional circumstances (e.g. extreme weather). Although attendance data relating to authorised and unauthorised absence is still collected from most schools as part of the termly schools census, latterly there has been a

clearer focus on overall attendance and persistent absence, which are more accurate indicators of concern relating to school non-attendance. School attendance is a key factor in respect of school improvement as children with poor levels of attendance have been demonstrated to have significantly poorer outcomes in terms of attainment.

Lancashire figures relating to school non-attendance compare favourably against national figures and against similar local authorities (statistical neighbours). Appendix A shows the latest data and information to contextualise Lancashire school attendance figures.

### Roles and Responsibilities

Parents are responsible for ensuring their children receive a suitable education, whether at school or otherwise. The vast majority of parents in Lancashire discharge this responsibility by registering their children at a school, at which time their duty changes to one of ensuring their child attends school regularly.

Schools are responsible for providing a suitable education for their pupils, and thus have an important role to play in managing school attendance. As such, schools are expected to have a school attendance policy which sets out their expectations of children and parents in respect of school attendance as well as the responsibility of staff within the school. This includes schools looking at whole school levels of attendance and identifying areas where this could improve across the school, as well as the identification of children whose individual levels of attendance are a cause for concern. The local authority currently offers advice to schools on such matters through our primary school attendance consultants and our secondary behaviour and attendance consultants.

Support for schools where attendance concerns have escalated differ in terms of funding and arrangements for support. For academies, funding is provided directly through the academies funding programme, and for secondary maintained schools funding is delegated to the schools, who are thus responsible for the additional casework support required to support families experiencing difficulties in respect of non-attendance. For maintained primary, special schools and short stay schools the authority's Pupil Attendance Support Team (PAST) can be accessed to assist schools with casework up to and including the point of legal intervention.

Where children's failure to attend school is deemed to be a result of parents' actions or non-action schools are able to use penalty notices (where use has been approved by the governing body as part of the school's attendance policy) and schools can also ask the local authority to consider bringing a prosecution in the magistrates' court. The local authority's school attendance legal team are responsible for issuing all penalty notices requested by school, for initiating procedures in the magistrates' court for any penalty notices that remain unpaid after the deadline, and for non-attendance cases where proceedings are indicated instead of a penalty notice.

In all such cases, the responsibility for casework and the production of evidence for court is the school's responsibility, supported by PAST workers where relevant, with

the local authority responsible for the legal processes and presenting the cases in court.

### Support and Challenge

The work provided to support children and families experiencing difficulties relating to school attendance varies greatly, as do the reasons for absence from school. The key to effective intervention involves schools and support agencies (as appropriate) gathering all relevant information, undertaking effective assessments of the barriers to a pupil accessing education, and devising support plans to address issues identified and thus seeking to remove those barriers.

It is also important that any such action plans are reviewed regularly against clearly identified targets for improvement, as protracted periods of absence can become increasingly more difficult to tackle so it is important to avoid any "drift" in such cases. Schools may often identify the need for external help and these can be accessed through the Early Help service and through the Common Assessment Framework (CAF) process.

Where a child is unable to access their school due to illness and this is confirmed by the appropriate specialist, schools are able to refer the child to the authority's Education Medical Short Stay School (EMSSS). In such cases, the child will be dual registered, placed on the role of EMSSS and their original school, but the original school retains responsibility for ensuring the child's access to education including monitoring attendance. Schools will frequently be looking at the management of attendance issues within the CAF process and action plans for attendance issues would then form part of the wider CAF and Team Around the Child (TAC) meetings. Similarly, where children with attendance issues have been identified as Children in Need or Children in need of protection then the management of attendance would form part of the general Child in Need or Child Protection plans in place for the child/family. Through these mechanisms schools are able to access the support identified as being required to enable the child to attend school.

Where all such support options have failed, and assessments have suggested this is at least in part due to the actions or non-actions of parents, legal intervention may be the only option to seek to return the child to education.

### Challenge

Where parents are deemed to be failing in their duty to ensure their child attends school, the school attendance legal team can offer assistance through the use of legal interventions. In some instances, the use of penalty notice warning letters can of themselves serve to alert parents to the need for change without any actual legal proceedings being used. In other instances, the use of penalty notices can have a beneficial impact as they are often used to tackle the low level of absence that is causing concern in breaking the pattern of sporadic but repeated absence. Penalty notices can also be used to break an impasse on occasions where communication between home and school has broken down.

The attendance legal team also bring proceedings in the magistrates' court where penalty notices have not been paid, and in cases where the authority believe legal proceedings should be brought instead of penalty notices. Again, the process of formal warnings in such cases can of themselves result in improved attendance without the proceedings being required. Before initiating prosecutions for non-attendance, the authority is required to consider whether an Education Supervision Order should be sought as well as, or instead of a prosecution. In addition, where courts convict a parent of failure to ensure regular attendance and choose to impose a parenting order, the local authority is required to ensure such Parenting Orders are implemented effectively and followed by parents.

The school attendance legal team also issues penalty notices on behalf of schools where parents have taken their children out of school, for example for a holiday in term time, without leave from the school.

### Children missing out on education

The authority does become aware of children who are missing out on education – this may be because the child is not on a school roll, or because they are not being allowed to attend school due to unofficial exclusion, or because non-attendance issues are not being effectively managed. In such instances, the authority has a duty to intervene and support the child back into school or other suitable provision.

Some of these children will be out of education because they are new to area and have not yet been admitted into provision, so the Children Missing Education Team and the School Admissions Team play an important role in supporting these children, particularly those considered "hard to place" into education promptly. In other instances, children are out of education because they have been removed from the roll of a school outside of the permitted criteria, or are being prevented from attending outside of formal exclusion arrangements. In such instances, our school attendance consultants (primary) and Behaviour and Attendance Consultants (secondary) will seek to resolve this in the first instance. Where this initial contact does not resolve the matter, our Pupil Attendance Support Team will provide a parental self-referral service to provide advocacy and support to parents in seeking to return their child to school.

### Safeguarding

As outlined above, the support available for non-attendance at school does vary in light of the type of school the pupil attends. Similarly, the authority's capacity to challenge instances where children are found to be missing out on education can also vary, as the authority does not have the right to inspect the admissions and attendance registers of non-maintained schools to establish which pupils are in fact missing out on education.

From a safeguarding perspective, the authority is responsible for all children in Lancashire and all schools are required to notify the local authority of children who attend infrequently, or have been absent from school for more than 10 days of unauthorised absence. The authority contacts all academies annually reminding them of their responsibility to notify the authority in such instances and agreeing the

methodology and frequency of such notifications, but in many instances of children who become known to the authority as missing out on education we find that the pupils have not in fact been notified to the authority by the school in question

### **Consultations**

N/A

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

There are no implications for risk management arising from this report.

### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Tel
<a href="#">The link between absence and attainment at KS2 and KS4 – 2012/13 academic year</a>	February 2015	Frances Molloy 01772 532722