

**CHILDREN & LEARNING
OVERVIEW & SCRUTINY COMMITTEE
SUPPLEMENTARY AGENDA**

22 January 2013

The following report is attached for consideration:

5 SCHOOL ATTENDANCE (Pages 1 - 14)

**Ian Buckmaster
Committee Administration and
Member Support Manager**

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CHILDREN & LEARNING OVERVIEW AND SCRUTINY COMMITTEE

Subject Heading:

Review of attendance data for schools/ academies for the school years 2009-10 to 2011-12 and the work undertaken by the Local Authority to support attendance in maintained schools and academies in the London Borough of Havering.

CMT Lead:

Joy Hollister

Report Author and contact details:

Neil Keylock
Manager – Additional Education Needs Services.

Contact details:

neil.keylock@havering.gov.uk

Tel: 01708-433926 Ext: 3926

Policy context:

Parents are responsible for ensuring that their children of compulsory school age receive efficient full-time education that is suitable to the child's age, ability and aptitude and to any special educational needs the child may have. This can be by regular attendance at school, alternative provision, or by education otherwise.

The Local Authority has a responsibility to work with maintained schools and academies to improve overall levels of attendance at schools/ academies and alternative providers and use the range of legal measures available to it to secure regular attendance and reduce the number of pupils with high levels of absence.

The Local Authority also has a duty to make appropriate arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education and take appropriate action to ensure that they do so.

Financial summary:

There are no financial implications arising from this report.

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input checked="" type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The report notes the importance currently being given by the government to improving school attendance and reducing the number of children with high levels of absences from schools/ academies. It also provides information concerning the overall rates of attendance and the rates of “persistent absence” for schools/ academies in the borough for the three school years from 2009-10 to 2011-12, providing comparisons with figures both national and for outer London boroughs.

The report notes the strategies currently employed by the Local Authority to improve levels of school attendance and reduce the level of absences at schools within the borough. It also notes the loss of funding to the Local Authority as a result of schools converting to academy status and the changing relationship between the Local Authority and academies in terms of the services provided. Despite the changing nature of this relationship the report highlights the need for the Local Authority to continue to monitor overall levels of school attendance and the rates of persistent absence for both maintained schools and academies in the borough.

RECOMMENDATIONS

- To note the attendance data for maintained primary and secondary schools and academies for the school years 2009-10, 2010-11, 2011-12 and the comparisons made with the figures nationally and for other outer London boroughs.
- To note the support provided to maintained primary and secondary schools and academies in the borough in supporting improving levels of attendance via the Education Welfare Service.
- To note the changes that have taken place to the relationship between the Local Authority and academies in terms of the loss of funding to the Local Authority for the provision of an Education Welfare Services

via the Local Authority Central Spend Equivalent Grant (LACSEG) that is paid direct to all school that convert to become academies.

- To note that the Local Authority continues to monitor overall levels of school attendance and the rates of persistent absence for both maintained schools and academies in the borough.

REPORT DETAIL

1. Improving attendance at school

- 1.1 Improving attendance at school is being given a high priority by the government, which has adopted all of the recommendations made by Charlie Taylor, the government's expert adviser on behaviour, in his report "Improving School Attendance" published in April 2012.
- 1.2 This focus on improving attendance results from the evidence which shows that children with poor attendance are unlikely to succeed academically and they are more likely than not to be in education, employment or training (NEET) when they leave school.
- 1.3 There is also an established link between poor school attendance at school and lower academic achievement. Of pupils who miss more than 50% of school only 3% manage to achieve 5 or more GCSE's at grades A*-C including Maths and English. 73% of pupils who have over 95% attendance achieve 5 or more GCSE's at grades A*-C.
- 1.4 The government is particularly concerned about the relatively small number of pupils who are persistently absent from school. As a consequence it lowered the threshold for pupils to be considered to be "persistently absent" from school from 20% to 15% in September 2011. This change was intended to ensure that pupils with attendance issues are identified earlier.
- 1.5 As children move up through the school system the number of children who are persistently absent grows. By the time children have reached their mid-teens it often becomes more difficult and schools to get these children to attend. Evidence suggests that children with low attendance in the early years of education are more likely to come from the poorest backgrounds. As a consequence the government is seeking to increase the emphasis on improving the attendance of vulnerable pupils in primary schools.
- 1.6 Non-attendance at school, for whatever reason, is an important issue that parents, schools and the Local must take seriously and address effectively.
- 1.7

2. The Legal Framework

- 2.1 Under Section 7 of the Education Act 1996 parents are responsible for ensuring that their children of compulsory school age receive efficient full-time education that is suitable to the child's age, ability and aptitude and to any special educational needs the child may have. This can be by regular attendance at school, alternative provision, or by education otherwise (e.g. the parent can choose to educate their children at home).
- 2.2 There are two offences relating to parental responsibility for ensuring regular attendance at school or alternative education provision: if a registered pupil is absent without authorisation from school or alternative provision then the parent is guilty of an offence under section 444(1) of the Education Act 1996; if the parent knows that their child is failing to attend regularly at school and fails to cause him/ her to do so, he is guilty of an offence under Section 444(1A) of the Education Act 1996. There are a number of statutory defences against prosecution for non-school attendance, such as ill health of the pupil.
- 2.3 Whilst the need to establish good patterns of school attendance early on in children's education has been recognised, the legislation required to do this effectively is lagging behind as it is not yet possible to take legal action against parents until a child reaches statutory school age. This can be up to year after a child is admitted to a primary school.

3. Overall attendance and persistent absence rates for the school years 2009-10, 2010-11 and 2011-12.

Overall attendance rates for primary and secondary schools.

- 3.1 There has been an increase in overall attendance rates at both primary and secondary schools and academies in the borough over the period covering the school years 2009-10 to 2011-12. (See Table 1.) Early indications for the school year 2012-13 suggest that this improvement is continuing.
- 3.2 Overall attendance in primary schools in the borough has risen by 0.5% over the course of the last 3 school years and by 0.7% in the secondary sector during the same period.
- 3.3 Comparisons with national figures and figures for outer London boroughs for the school years 2009-10 and 2010-11 (the last 2 full school year for which there are comparative figures) indicate that the overall attendance figures in the borough at both primary and secondary are very similar to the attendance figures both nationally and for other outer London boroughs.

Table 1: Overall Attendance %

School Year	Primary			Secondary		
	Havering	National	Outer London	Havering	National	Outer London
2009-10	94.9	94.8	94.7	93.4	93.1	93.5
2010-11	95.0	95.0	95.0	93.9	93.5	94
2011-12	95.4	N/A	N/A	94.1	N/A	N/A

Persistent absence rates for primary and secondary schools.

- 3.4 Figures for the school years 2009-10 and 2010-11 show a decrease in the % of pupils who in Havering were persistently absent from school i.e. those who attended for less than 80% of the time. (See Table 2 – Persistent Absence %).
- 3.5 The rates of persistent absence in the school years 2009-10 and 2010-11 were lower in Havering than the national figures and for outer London boroughs at both primary and secondary level.
- 3.6 The government changed the threshold at which a pupil is defined as “persistently absent” from 20% to 15% in July 2011. Those pupils whose attendance falls below 85% now fall into the category of “persistent absence”. The increase in the % of those pupils considered to be persistently absent from school in the school year 2011-12 can largely be attributed to the change in the threshold. The Department for Education has not yet published comparative statistical data for the school year 2011-12.

Table 2: Persistent Absence %

School Year	Primary			Secondary		
	Havering	National	Outer London	Havering	National	Outer London
2009-10	1.1	1.4	1.3	3.1	4.4	3.6
2010-11	0.9	1.3	1.1	2.5	4.0	3.2
2011-12*	3.3	N/A	N/A	6.8	N/A	N/A

(The figures in Tables 1 & 2 for the school years 2009-10 and 2010-11 have been taken from the Department for Education’s datasets on “Pupil Absence in Schools in England”. The data for the school year 2011-12 has been provided from locally collected statistical returns made by maintained schools and academies.)

4. London Borough of Havering Attendance Strategy

4.1 Given the importance good school attendance the Local Authority has in place an attendance strategy that:

4.1.1 sets out the aims and objectives of the Local Authority in seeking

to ensure that pupil attendance is given a high priority in Havering schools and alternative education provision and encourages schools and academies to set realistic but challenging targets for improvement;

- 4.1.2 outlines the services which are available to support schools in maximising attendance and the structures within which those services are delivered;
- 4.1.3 provides practical guidance for schools in ensuring best practice, including both a “model” school attendance policy and advice on the administering of registration, both manually and by computer.

5. School Action

- 5.1 School staff, both teaching and non-teaching, are in the front line of the drive to improve attendance. While Local Authority staff can make a valuable contribution, teachers and others who work in schools are in daily contact with pupils and can forge effective links with parents at a local level. It is essential that the promotion of good attendance is recognised at every school.
- 5.2 Schools/ academies have been supported to improve their attendance levels by:
 - 5.2.1 Having in place a whole school approach to ensuring good attendance, and where necessary to improve it through data analysis and prioritisation.
 - 5.2.2 Identifying a designated member of the Senior Leadership Team to have responsibility for all attendance matters and to initiate the review of attendance targets. Schools/ academies have also been advised that it is good practice to have a designated member of the governing body responsible for monitoring attendance matters.
 - 5.2.3 Developing a written attendance policy which sets out the school’s expectations and priorities, strategies for improvement, advice for parents on procedures and the role played by the Education Welfare Service.
 - 5.2.4 Paying particular attention, within their absence management strategies, to persistently absent pupils, intervening early to nip emerging patterns of absence in the bud, and making full use of the support available from the Local Authority and other agencies to address problems which are beyond the capacity of the school to deal with.
 - 5.2.5 Developing efficient systems of registration which encourage

children and parents to account promptly for any absences, which are in accordance with legal requirements and which show a consistent approach to the classification of absences as either authorised or unauthorised.

- 5.2.6 Implementing First Day Contact schemes, attendance incentive schemes, individual and group awards etc. in accordance with the needs of the school.
- 5.2.7 Developing suitable monitoring and referral procedures to ensure that children whose attendance is a cause for concern are identified, supported through the school's/ academies own pastoral systems, including appropriate contact with parents, and, if required, brought to the attention of the Local Authority.
- 5.2.8 Accessing regular training for staff with responsibilities for the registration of pupils.
- 5.2.9 Ensuring absences are authorised only when the school is satisfied that they are genuine.
- 5.2.10 Ensure that Parenting Contracts are completed in line with Havering's Policy Parenting Contract.
- 5.2.11 Adopting the borough's 'Holidays in Term Time Guidance'.

6. The role of the Local Authority and the Work of the Education Welfare Service

- 6.1 The work of the Education Welfare Service (EWS) supports schools and alternative education providers to improve attendance by:
 - 6.1.1 Undertaking regular visits to schools and alternative education providers.
 - 6.1.2 Setting overall attendance targets for primary and secondary schools within the borough and encouraging schools to set attendance targets on an annual basis.
 - 6.1.3 Undertaking register reviews to highlight any child that has been absent or late at any time over a four week period out of any six weeks, consistency of marking and identify any other issues in relation to the registers. This regular cycle of review reflects the need for early intervention.
 - 6.1.4 Providing a Service Level Agreement for the work of the EWS with schools and alternative education providers.
 - 6.1.5 Providing high-quality advice, inspection of registers and

casework services to schools in order to ensure the prompt detection of children whose attendance is a cause for concern.

- 6.1.6 Continue development of training programme's for schools and school governors which includes attendance, registration and legal requirements.
- 6.1.7 Providing guidance for schools when new policy initiatives are being developed.
- 6.2 The Education Welfare Service works with all maintained schools, academies and alternative education providers in Havering to support high levels of attendance. However, the role of this Service has changed considerably over the past 18 months as a significant number of schools have changed their status to become academies.
- 6.3 The Education Welfare Service was, until the advent of academies, able to give priority to those schools whose attendance was a cause for concern. This is no longer possible as a significant proportion of the funding available to the Local Authority for this work at secondary level has been removed from its budgets and devolved to academies. This re-allocation of funding has been based simply on pupil numbers rather than on the level of identified need at individual schools. This has resulted in some schools with high pupil numbers and few attendance issues being allocated larger amounts of funding than schools with lower pupil numbers but who have a high level of attendance issues.
- 6.4 Academies are now free to either buy back a service from the Local Authority or make their own arrangements to manage attendance. To date 4 of the 12 secondary schools that have become academies have chosen to buy back from the EWS. A traded service offer will be circulated to all academies in January 2013 with a view to ensuring that matters relating to attendance remain a high priority. This offer will be made on a full-cost recovery basis.
- 6.5 The traded service offer that will be sent to academies is attached as Appendix 1.
- 6.6 The Department for Education has notified all local authorities that the only statutory functions that they are required to provide in terms of Education Welfare Services to academies is court work related to non-school attendance, the monitoring of Children Missing Education and the issue of work permits and performance licences.
- 6.7 The need to make Medium Term Financial Savings of some £95,000 per annum from April 2013 from within Additional Education Needs Services required a restructuring that resulted in a reduction of 3 fte posts within the Education Welfare Service.

- 6.8 The ongoing need to make savings across Learning and Achievement as a result of the reduction in a number of government grants and the loss of funding via the Local Authority Central Spend Equivalent Grant (LACSEG) to academies at the point of conversion has resulted in the need for further restructuring. This will result in the amalgamation of the Education Welfare Service and the Behaviour Support Service to form a combined **Attendance, Behaviour and Traveller Support Service**. This service will provide a core support service to maintained schools to support improved attendance. A traded service offer will also be available to those academies that wish to purchase this type of support.
- 6.9 Notwithstanding the significant reductions in the resources available to the Local Authority in undertaking its responsibilities relating to welfare of children in the borough the current Education Welfare Service and from the 1 April 2013, the **Attendance, Behaviour and Traveller Support Service**, will continue to work in partnership with schools, families and other agencies to ensure that children benefit from the education to which they are entitled. It will also continue to perform its statutory role of establishing (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education and taking the appropriate action to remedy the situation.
- 6.10 Given the importance of all children, particularly vulnerable children, attending school regularly it is recommended that members continue to monitor overall levels of school attendance and the rates of persistent absence for both maintained schools and academies in the borough on a regular basis.
- 6.11 Ofsted will continue to monitor schools'/ academies attendance during the normal cycle of inspections and will make judgements on the basis of pupils' actual attendance and the numbers of pupils who are persistently absent. However, there will often be a significant time lag between inspections of individual schools/ academies.

7. Enforcement Action

The LA has an ongoing duty to enforce attendance through the courts where necessary. There are four key enforcement strategies;

8. Penalty Notices

- 8.1 A Penalty Notice may be issued as an early alternative to prosecution or other forms of intervention as follows depending on the individual circumstances:
- 8.1.1 where a pupil has at least 10 sessions unauthorised absence during any given continuous 3 month period (school time only) and the parent(s) are not co-operating with the LA and/or school to resolve the problem;

- 8.1.2 The parent has received a formal warning of the possibility of a PN being issued and given a minimum of 15 school days to effect an improvement.
 - 8.1.3 Where a pupil is required to attend alternative education provision at a named site, school or pupil referral unit and fails to attend on or after the first day.
 - 8.1.4 Where a parent has taken the pupil on holiday during term-time without the school's authorisation or (in cases where the school has authorised absence for a holiday) has failed to return the pupil to school on the date agreed with the school; or
- 8.2 As is currently the case for prosecutions, the EWS determines whether a notice should be issued following discussion with the school (or other agency) and receipt of a completed school referral form.
- 8.3 The fine payable following the issue of a Penalty Notice was increased by the government from £50 to £60 per child per offence from 1 September 2012, as part of its drive to improve levels of school attendance. (If the fine is paid after 28 days but within 42 days the fine is doubled to £120.)
- 8.4 If the fine is not paid in full by the end of the 42 period the local Authority must either prosecute for the offence or withdraw the notice.

9. Education Supervision Orders

- 9.1 The Local Authority may apply for an Education Supervision Order (ESO) instead of, or as well as, prosecuting parents. The Local Authority is under a duty to consider applying for an ESO before commencing legal proceedings against parents.
- 9.2 An ESO makes the Local Authority responsible for advising, supporting and giving "directions" to the supervised child and his/ her parents in such a way as to ensure that the child is properly educated. In practice much of the work that would be covered by an ESO has usually been undertaken informally by an Education Welfare Officer prior to consideration of legal action and so few ESO's are sought through the Family Proceedings Court.

10. Prosecution in the Magistrates Court

- 10.1 Prosecution is a planned intervention in those cases where it is identified to be appropriate (i.e. where the parents fail to cooperate in ensuring their child's regular school attendance).
- 10.2 At the start of casework parents are normally notified that legal action

may be taken by the Local Authority. Sometimes the prospect of prosecution can lead to a significant improvement in a child's attendance and court action may not be required if it is believed that the improvement will be sustained. However, in those cases where parents fail to co-operate evidence is submitted to the Magistrates' Court. Conviction of an offence under sections 444 and 444 (1A) of the Education Act 1996 may result in fines of up to £2,500 and, in the case of s444 (1A), a prison sentence.

11. School Attendance Order

11.1 School Attendance Orders (SAOs) are used to direct parents to send their child to a specified school. It is used when a pupil is of statutory school age is not on roll at any school and the parents have not made arrangements to receive a suitable education. It is most commonly used where parents cannot be allocated a place at any of their preferred schools and refuse the place(s) offered at alternative schools.

11.2 Action will continue to be taken where appropriate on the basis of evidence of unauthorised absence provided by schools/ academies. In general, prosecution is not normally considered to be appropriate where pupils are in Key Stage 4, unless the circumstances are exceptional i.e. there is a sibling in the family or it is deemed to be in the public interest.

IMPLICATIONS AND RISKS

12. Financial implications and risks:

12.1 There are no direct financial implications or risks arising as a result of this report. It should be noted that the LACSEG funding reduction for the financial year 2013-14 is £1.554 million. This is being addressed by savings that fall outside the current MTFS.

12.2 Any traded services bought back by academies need to be subject to clear service level agreements and the costs charged should be based on the full cost recovery of the provision of those services in line with the Council's Corporate Charging Policy. There is a MTFS of £100k in 2012-13, £450k in 2013-14 and £950k in 2014-15 that is to be achieved through services that trade with schools (including schools catering).

13. Legal implications and risks:

There are no apparent legal implications from noting the contents of the Report. The Committee should be aware that the Local Authority must comply with the appropriate regulations, procedures and Codes when taking

enforcement action to ensure that children are receiving a suitable education and attending school on a regular basis.

14. Human Resources implications and risks:

There are no Human Resources implications within this report, other than those that have arisen as a result of the restructuring of Additional Education Needs Services, which was implemented from the 1 August 2012 and the forthcoming restructuring of Learning and Achievement that has an implementation date of 1 April 2013.

15. Equalities implications and risks:

There are no equalities implications or risks identified within this report other than the general concern that the Local Authority is likely to have a less direct role in the future in ensuring good levels of attendance by pupils attending maintained schools and academies in the borough. Hence the need for the Local Authority to continue its regular monitoring of levels of attendance and absence in the borough's schools and academies.

BACKGROUND PAPERS

“Improving attendance at school” A report by Charlie Taylor – the government’s expert adviser on behaviour.

Ensuring Children’s Right to Education – Guidance on the legal measures available to secure regular school attendance. Dept. for Children, Schools and Families.

Guidance on Education – Related Parenting Contracts, Parenting orders and Penalty Notices. Dept. for Children, Schools and Families.

DfE: Pupil absence in schools in England, including pupil characteristics: 2009/10 and 2010/11.

Inspecting attendance: guidance. Office for Standards in Education.

Appendix 1

Traded Services Offer for Academies: Financial Year 2013/14

The Attendance, Behaviour and Traveller Support Service Education – Attendance Focus - Academies

Description of Service

The Attendance, Behaviour and Traveller Support Service (ABTSS) provides high quality advice and guidance to schools on attendance and welfare issues to ensure that parents fulfil their statutory obligation to send their children to school regularly. The ABSS recognises the important role that schools play in early identification of poor attendance and aims to work in partnership to ensure that attendance levels continue to rise in Havering schools and pupils' welfare and safety is maintained.

Statutory Services

The following services are provided at no charge to all schools and academies:

- Preparation of cases that meet the threshold for legal action.
- Issuing of Fixed Penalty Notices.
- Support for children on child protection plans and children missing from education (CME).
- Issuing of child performance, chaperone and employment licenses.
- Advice and guidance when a parent wants to educate their child at home.
- Provision of advice and guidance on child protection issues.

Core Package Offer

- Regular support from a linked Attendance and Behaviour Support Officer (, including absence cover when linked officer is unavailable due to ill health, etc.)
- Advice and guidance on promoting early intervention for pupils with poor attendance.
- Guidance on strategies for managing pupil absence.
- Detailed casework with pupils with low attendance that will reach the threshold for legal intervention, if required.
- Outreach work with pupils and families, including home visits and attendance at multi-agency meetings and case conferences for pupils causing serious concern.
- Meetings at school with staff and parents.
- Cross border liaison in relation to out-borough pupils.

Additional Services Offer

- Information, advice and support on the development of whole-school approaches to improving attendance.
- Disproportionality analysis.
- Pre- Ofsted “health check”
- School based governor training.
- School based staff training.
- Class based children’s workshops aimed at improving attendance.
- Attendance at parents’ induction meetings.
- Undertaking enquiries concerning children who are placed on roll at school but fail to appear.

Cost of Service

Core package offer:

Per hour £40

½ day £100

Additional Services Offer:

Per hour £55

½ day £138

Bespoke packages are available by negotiation.

Contact Details

Tracy Bowden
Team Leader - EWS
Tel: 01708 433741
Email: tracy.bowden@haverling.gov.uk