



CHILDREN AND LEARNING OVERVIEW & SCRUTINY COMMITTEE

Subject Heading:

Title Attendance and Exclusions

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Policy context:

- **Education Act 1996**
- **Exclusion from maintained schools, academies and pupil referral units in England (DfE, 2012)**

SUMMARY

'Central to raising standards in education and ensuring all pupils can fulfil their potential is an assumption so widely understood that it is insufficiently stated - pupils need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary school.' (DfE, 2014).

Absence from school, whether due to poor attendance or school exclusion, has a detrimental effect on the achievement of children and young people. Vulnerable children are particularly at risk in this respect, for example the exclusion rates for certain groups of pupils are consistently higher than average. This includes pupils with SEN, pupils eligible for Free School Meals, looked after children and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy / Roma, Travellers of Irish Heritage and Black Caribbean communities.

One of the reasons for the Government's focus on attendance is that there is clear evidence linking attendance to academic success and positive progression post compulsory schooling. For example, of pupils who miss more than 50 per cent of school only three per cent manage to achieve five or more GCSEs at grades A* to C including Maths and English. 73 per cent of pupils who have over 95 per cent attendance achieve five or more GCSEs at grades A* to C.

The issue of taking children out of school for holidays in term time is one which has been much debated. The present Government's stance is that parents should not, except in the most exceptional circumstances, take their child out of school during term time. Local authorities and schools are therefore under an obligation to discourage parents/carers

from taking such action. Again, the Government has tightened its stance in this area through recent updated legislation.

Permanent exclusion rates in Havering have been consistently higher than the London and national average over the past few years. This disrupts learning for young people and in addition, outcomes for excluded pupils do not compare favourably with those of their peers. The London Borough of Havering Local Authority has a responsibility to minimise school absence and exclusions to ensure that all pupils, regardless of background and ability, have the opportunity to achieve their full potential at school.

This report sets out

- The shape of the local authority services seeking to minimise absence and exclusions
- The legal framework and statutory guidance around school attendance and exclusions
- Current performance against regional and national indicators
- Plans to further improve our services and performance against indicators

RECOMMENDATIONS

Exclusions

The following actions are recommended to build on support for vulnerable children and young people, and to seek to reduce the number of permanent exclusions:

- Review IYFAP referral process
- Set up a working group with secondary heads to look at alternative strategies to permanent exclusion
- Behaviour and Attendance conference to be organised for September 2015. This will be an opportunity to collate new approaches and share good practice.
- Develop the Alternative Provision traded services offer in Havering.
- Continue to assist schools with reviewing their behaviour/inclusion policies.
- Develop the transition workers role to provide some 'on the job training' for support staff in a formalised way.
- Develop the 'voice of the child in Havering'

Attendance

Recommended action to build on current practice and improve our support and challenge in relation to improving school attendance are:

- Focussed work with schools to reduce levels of authorised absence, utilise good outcomes from schools such as Broadford.

- Encourage/challenge schools that are not working in line with guidance regarding 'holidays in term time' so that there is a consistent approach in all schools.
- Peer review and case auditing for Attendance and Behaviour Officers
- Continue to ensure that all legal processes are robust and timely.
- Continue to review our CME systems and strengthen our relationship with Health further.
- We will now be presenting prosecution cases within our own team thus making the legal process more timely

REPORT DETAIL

1 Legal Responsibilities and Sanctions

1.1 Attendance

Parents are responsible for making sure that their children of compulsory school age receive a suitable full-time education (section 7 of the Education Act 1996.). This can be by regular attendance at school, at alternative provision, or otherwise (e.g. the parent can choose to educate their child at home).

In Havering the support, challenge and intervention work around school attendance is carried out by a dedicated team of professional officers within the Council's Education, Inclusion and Support Service. Officers monitor school attendance and provide support to schools where the attendance of pupils falls below an acceptable level. This involves working closely with parents and pupils and seeking to support families to overcome barriers to school attendance. If a child of compulsory school age fails to attend regularly at a school at which they are registered, or at a place where alternative provision is provided for them, the parents may be guilty of an offence and can be prosecuted by the local authority. Where necessary, legal sanctions can be called upon but these are only used where parents continually fail to encourage their children to attend school after prolonged intervention.

Penalty notices can also be used where the pupil's absence has not been authorised by the school. Penalty notices may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first five days of a fixed period or permanent exclusion.

The Education (Penalty Notices) Regulations 2007 set out the details of how the penalty notice scheme must operate. This includes a requirement that every local authority must draw up and publish a Code of Conduct for issuing penalty notices, after consulting all schools, including academies, and the police. The code should set out the criteria that will be used to trigger the use of a penalty notice. These could include: a number of unauthorised absences, perhaps within a rolling academic year; one-off instances of irregular attendance such as holidays taken during term time without the school's

permission; and where an excluded child is found in a public place during school hours without a justifiable reason.

Following a report by Charlie Taylor, the former Government Adviser on Behaviour, the current Government decided to lower the definition/thresholds around Persistent Absence (PA) from 20% to 15%. In addition to this, fines for parents/carers were increased where local authorities see fit to apply penalty notices in relation to poor school attendance.

Penalty notices data for past 3 years are as follows:

2012 – 2013	Total 644
2013 – 2014	Total 1098
2014 to 2015	503 to date

In relation to prosecutions (for irregular attendance under section 441 or 441(a) of the Education Act) the data are:

2012-2013	Total 32
2013-2014	Total 47
2014 to date	47 to date

It is worth noting that legislation changed in September 2013 to toughen the law around holidays in term time and increase the fines payable by parents.

1.2 Exclusions

The current statutory guidance in relation to exclusion from school was published in 2012. The guidance states that:

‘Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school’s behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.’

In Havering, schools are encouraged and supported to explore strategies in addition to exclusion. Statutory guidance encourages this approach stating that:

‘Head teachers should consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Where a pupil has received multiple exclusions... head teachers should consider whether exclusion is providing an effective sanction. Whilst exclusion may still be an appropriate sanction, head teachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

Havering Education Inclusion and Support Service includes officers who can provide advice and support in relation to pupils with challenging behaviour. The service also employs a Vulnerable Children’s Officer and Alternative Provision Commissioner who can work with schools to explore alternatives to exclusion, including managed moves and access to alternative education provision. Officers also provide support and guidance to parents where pupils receive a fixed term or permanent exclusion.

2 Current Performance against measures

2.1 Attendance

The key measures around attendance are set out by the following indicators:

- Persistent Absence (defined as attendance below 85%)
- Unauthorised absence
- Authorised Absence
- Overall Absence

Data for the past two years are as follows:

School Attendance Data 2011/12 – Primary Schools

	Havering	Outer London	England
Overall Absence	4.6%	4.3%	4.4%
Authorised Absence	4.0%	3.5%	3.7%
Unauthorised Absence	0.6%	0.8%	0.7%
Persistent Absence	3.6%	2.8%	3.1%

School Attendance Data 2011/12 – Secondary Schools

	Havering	Outer London	England
Overall Absence	5.6%	5.3%	5.9%
Authorised Absence	4.5%	4.1%	4.6%
Unauthorised Absence	1.1%	1.3%	1.3%
Persistent Absence	6.1%	6.0%	7.4%

School Attendance Data 2011/12 – Special Schools

	Havering	Outer London	England
Overall Absence	7.9%	9.6%	9.6%
Authorised Absence	7.2%	8.1%	7.6%
Unauthorised Absence	0.8%	1.5%	2.0%
Persistent Absence	13.8%	18.0%	16.3%

School Attendance Data 2011/12 – All Schools

	Havering	Outer London	England
Overall Absence	5.1%	4.8%	5.1%
Authorised Absence	4.3%	3.8%	4.1%
Unauthorised Absence	0.9%	1.0%	1.0%
Persistent Absence	4.9%	4.3%	5.2%

School Attendance Data 2012/13 – Primary Schools

	Havering	Outer London	England
Overall Absence	4.9%	4.5%	4.7%
Authorised Absence	4.1%	3.5%	3.9%
Unauthorised Absence	0.8%	0.9%	0.8%
Persistent Absence	3.2%	2.5%	2.7%

School Attendance Data 2012/13 – Secondary Schools

	Havering	Outer London	England
Overall Absence	5.8%	5.2%	5.9%
Authorised Absence	4.7%	4.0%	4.5%
Unauthorised Absence	1.1%	1.3%	1.4%
Persistent Absence	6.5%	5.0%	6.5%

School Attendance Data 2012/13 – Special Schools

	Havering	Outer London	England
Overall Absence	9.2%	9.3%	9.6%
Authorised Absence	9.0%	7.8%	7.7%
Unauthorised Absence	0.2%	1.5%	1.9%
Persistent Absence	14.3%	16.6%	16.2%

School Attendance Data 2012/13 – All Schools

	Havering	Outer London	England
Overall Absence	5.3%	4.8%	5.3%
Authorised Absence	4.4%	3.7%	4.6%
Unauthorised Absence	0.9%	1.1%	1.1%
Persistent Absence	4.8%	3.7%	4.2%

Levels of overall absence and PA (persistent absence) remained higher than London and England averages for primary schools and higher than London averages for secondary

schools in 2012/13. However unauthorised absence was below London average in 2012/13 in both primary and secondary schools. Maintained schools in Havering are provided with a SLA agreed via DSG funding and traded agreements with Academies. The vast majority of schools are fully on-board with Havering Attendance Strategy.

Promoting good school attendance falls within the remit of the Attendance and Behaviour Team within Learning and Achievement. Work undertaken by the Attendance and Behaviour team to improve school attendance includes:

- Analysing school level data to establish where school attendance is lowest and utilise data to disseminate good practice.
- A strong focus on Attendance and Behaviour Officers working to support schools on early identification and intervention where patterns of absence occur.
- Promote EHAs and training schools to complete them to a high standard.
- Institution of an 'In Year Fair Access Panel' (IYFAP) for both primary and secondary aged pupils with the support of our schools.
- Challenge and information to school SMT and staff on attendance coding and good practice on following up on non-school attendance including following through with FPN.
- Support to schools on making use of SIMS for early intervention with parents.
- Supportive challenge to vulnerable families where attendance is an issue, promoting good joint multi agency working.
- A dedicated Attendance and Behaviour Officer to promote the attendance of looked after children.

This focussed work has begun to pay dividends and data show that attendance for looked after children has risen over the past four terms. In addition to this, initial spring and summer term data for 2013/14 show that overall absence in primary schools is closer to London and England averages and the number of term time holidays is reducing overall in Havering. Initial data show that

- overall absence in primary schools has reduced from 4.9% in 2012/13 to 4.1% in 2013/14
- secondary school absence has reduced from 5.8% in 2012/13 to 5.5% in 2013/14.

As a case study, the Head teacher at Broadford Primary comments:

'attendance was below 93.5% three years ago. At the end of 2013-14 the whole school average was 95.6%. This was a direct result of the support offered by our Attendance Officer and her partnership with our own School Attendance Lead. The team were very efficient at helping us to identify trends, highlight target families and then supported us with taking appropriate action. This included monitoring letters, formal warnings, home visits and fines. As a consequence persistent absenteeism was reduced and poor attenders improved.'

2.2 Exclusions

The key measures here are in relation to fixed term and permanent exclusions. The latest data are as follows:

Permanent Exclusions (percentage of school population) 2011/12

	Havering	Outer London	England
Primary	0%	0.01%	0.02%
Secondary	0.20%	0.17%	0.14%
Special Schools	0%	0.17%	0.09%
Overall	0.09%	0.08%	0.07%

Permanent Exclusions (percentage of school population) 2012/13

	Havering	Outer London	England
Primary	0%	0.01%	0.02%
Secondary	0.17%	0.14%	0.12%
Special Schools	0%	0.07%	0.07%
Overall	0.08%	0.07%	0.06%

Fixed Term Exclusions (percentage of school population) 2011/12

	Havering	Outer London	England
Primary	0.44%	0.61%	0.90%
Secondary	5.82%	7.12%	7.85%
Special Schools	0%	15.11%	15.39%
Overall	2.89%	3.47%	4.05%

Fixed Term Exclusions (percentage of school population) 2012/13

	Havering	Outer London	England
Primary	0.41%	0.60%	0.88%
Secondary	6.18%	6.12%	6.75%
Special Schools	2.35%	17.63%	14.68%
Overall	3.01%	3.05%	3.52%

Please note that 2013/14 national data will be published in July 2015

There is a challenge to reduce exclusions not just because they interrupt the learning of pupils but because they also disproportionately affect disadvantaged and vulnerable groups of pupils. For example:

- Pupils with special educational needs (with and without statements) account for 7 in 10 of all permanent exclusions. Pupils with SEN without statements are around ten times more likely to receive a permanent exclusion than pupils with no SEN.
- Pupils known to be eligible for and claiming free school meals (FSM) are four times more likely to receive a permanent exclusion and three times more likely to receive a fixed period exclusion

Havering is seeing a rise in more vulnerable families, including large sibling groups and families with very complex needs moving into the borough. We are also experiencing a rise in child protection cases as the demography of the borough changes. In the face of

these challenges the Learning and Achievement Service has restructured its support for vulnerable groups at risk of exclusion and introduced new support systems including:

- Instituting an 'In Year Fair Access Panel' (IYFAP) for both primary and secondary aged pupils with the support of our schools. A pre-IYFAP meeting includes multi-agency support and considers the holistic needs of pupils to be discussed at the IYFAP meeting.
- Creating a post of Vulnerable Children's Coordinator to facilitate the IYFAP process and liaise with other key LA professionals and external agencies in respect of excluded pupils and those at risk of exclusion.
- Attending governor appeal meetings where pupils are permanently excluded
- Reorganising our former AP and LAC service into an Education Inclusion and Support Service, incorporating Attendance, Behaviour and Traveller Service.
- Acknowledgement that schools are in need of extra support and training around the positive handling of students not only in the classroom but also reviewing whole school approaches to behaviour management such as Restorative Approaches.
- The Attendance and Behaviour Service also provides a transition service to support students via the IYFAP panel.

IMPLICATIONS AND RISKS

Financial implications and risks:

Attendance

The Attendance and Behaviour Team are part funded through traded services agreements with academies. At present all primary academies buy in the service and around 60% of secondary academies. Where academies do not buy in the service provides the minimum legal intervention around penalty notices and prosecutions. However it is worth noting that absence is higher in some academies not buying in.

Exclusions

The cost of providing alternative education for excluded pupils falls on the LA. At this moment in time there are high numbers of permanent exclusions and the LA commissions the Pupil Referral Service (PRS) to provide education for children and young people who are excluded or at risk of exclusion. In addition to the costs involved in supporting excluded pupils, there is additional funding and resource allocated to supporting vulnerable pupils through commissioning alternative provision.

Legal implications and risks:

Attendance

Section 7 of the Education Act 1996 provides that:

"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable -

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have, either by regular attendance at school or otherwise."

In order to secure good school attendance, the LA has a duty to prosecute parents who are in breach of the above terms. It also issues penalty notices as an alternative to prosecuting parents but legal action against parents is generally a last resort following intensive intervention to improve school attendance. Legal action may occasionally need to increase in order to ensure that school attendance is seen, by parents, as an important and essential part of their child's right to an education.

The LA is also experiencing a rise in the number of parents who are electing to 'home educate' and this places an additional resource strain on the LA as there is a requirement to visit such parents to seek to ensure that a suitable education is provided. It is also a potential safeguarding concern that more pupils are being withdrawn from formal education and thus become less visible to professionals.

Exclusions

The current statutory guidance '*Exclusion from maintained schools, academies and pupil referral units in England*' allows for a head teacher to permanently exclude a pupil. The guidance states that a decision to exclude a pupil permanently should only be taken:

- in response to a serious breach, or persistent breaches, of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion

Human Resources implications and risks:

Attendance

There are potential risks to the human resource of promoting good school attendance should academies not buy in the traded services element.

Exclusions

There is a limited education staff resource providing support for schools and parents in relation to vulnerable pupils. This is in the face of rising demand and this resource will need to be managed and allocated carefully.

Equalities implications and risks:

Attendance

There is a risk of inconsistency in relation to attendance procedures in schools, especially where academies are not buying in. For example leave may be authorised for a pupil in one school that would not be authorised for a pupil in another school in similar circumstances.

Exclusions

As stated above, there are potential inequalities with higher numbers of certain groups experiencing exclusions. The LA has a duty to challenge schools where it would appear that exclusions are being disproportionately applied to particular groups and also to support parents. This may be through the Parents In Partnership Service (PIPs) or through the work of the Vulnerable Children's Coordinator, who attends at exclusion appeals.