

**REPORT FOR: EDUCATION STRATEGY
CONSULTATIVE FORUM**

Date of Meeting:

30 January 2013

Subject:

INFORMATION REPORT

Implementing the Local Authority's Duties
and Legal Measures to Secure School
Attendance

Key Decision:

None

Responsible Officer:

Catherine Doran
Corporate Director of Children and Families

Portfolio Holder:

Mitzi Green
Portfolio Holder for Children and Families

Exempt:

No

**Decision subject to
Call-in:**

No

Enclosures:

None

Section 1 – Summary and Recommendations

This report sets out the position of the Local Authority on the use of statutory measures to secure good attendance for children of statutory school age. It describes the previous position in Harrow and the reasons why there has been a change of practice.

The data used in this report are based on 2010-2011 as it was this period that informed the decisions regarding policy change.

Section 2 – Report

1. Introduction

- 1.1 All children of compulsory school age (five to 16) should receive suitable education, either by regular attendance at school or through other arrangements. If a child is registered at school, parents have the primary legal responsibility for ensuring that their child attends regularly.
- 1.2 Local Authorities (LAs) have responsibility (Education Act 1996) for legal action to enforce attendance at school. They have the legal powers to enforce attendance, including prosecution for irregular attendance and issuing penalty notices for irregular attendance. Any parent who fails to ensure the regular attendance of their child without a justifiable reason could be issued with a penalty notice. The amounts stated on the penalty notices are £60 for those who pay within 28 days; and £120 for those who pay within 42 days.
- 1.3 A police constable, local authority officer, headteacher and those authorised by them (deputy and assistant head only) can issue a penalty notice. All state funded schools can issue penalty notices. The Local Authority must publish a local code of conduct which sets out how the penalty notice scheme will work for all schools in the area. In practice, the vast majority of penalty notices are issued by Local Authorities. To date, Harrow has never issued a penalty notice for school attendance.
- 1.4 Research suggests that where the full range of statutory powers is used attendance improves. These are discretionary powers and all cases should be considered individually. They often have less impact over time where families have entrenched and long term patterns of poor attendance.
- 1.5 Greater attention is now paid to overall absence by the Department for Education and by OFSTED. Less distinction is made between authorised and unauthorised absence. Earlier OFSTED guidance (*Inspecting Attendance* September 2011) was explicit in reminding inspectors that '*Effectiveness should be judged in terms of the reduction of both overall and persistent absence and **not in terms of conversion from unauthorised absence to authorised absence***' (their emphasis). Research shows that poor attendance at school, whatever is cause, can have a marked effect on pupils' performance and, as a result, their life chances. The overall picture may hide the real impact of absence from school on individual children.

2. Background

- 2.1 Although there is much to be positive about with respect to attendance in Harrow, levels of authorised absence are relatively high and we do not score highly for overall absence in the primary phase.
- 2.2 In the **Primary phase**, Harrow's overall absence (5.2%) in 2011 and since 2007 has been at or above that of our statistical neighbours (5.1% in 2011; National 5%). Unauthorised absence in Harrow's primary schools has been consistently the lowest (0.5% in 2011) of our statistical neighbours (SN 0.9% 2011; National 0.7% 2011). However, our level of authorised absence has exceeded that of our statistical neighbours since 2005. In 2011 Harrow's authorised absence was 4.7% (SN 4.3%; National 4.3%).
- 2.3 Harrow's Persistent Absence rate in the primary phase has been slightly above the national and statistical neighbours' average since 2005 (on 20% measure). In 2011, if we use the newer 15% measure, our relative position improves (Harrow 3.7%, SN 3.9% and National 3.9%).
- 2.4 In the **secondary phase**, Harrow's overall absence fell to a 6 year low of 5.7% in 2011. This figure is below the average of our statistical neighbours (6%) and below the national average (6.5%). Our unauthorised absence was at 0.7% in 2011. Although it fluctuates, we have been more often than not the lowest among our statistical neighbours in this measure since 2005 (SN 2011 1.3%; National 1.4%). However, our level of authorised absence regularly exceeds that of our statistical neighbours and, occasionally, the national average. Our level of Persistent Absence (6.3% in 2011 on 15% model; SN 6.7%; National 8.4%) fluctuates around the average for our statistical neighbours. Harrow's secondary sector in 2010 was graded 'A' on all attendance measures.
- 2.5 The following table outlines the total number of missed sessions and days from 2010 (September)-2012 (April) for these codes:

F: Extended Family Holiday
G: Family Holiday Not Agreed
H: Family Holiday Agreed
N: Absence without a reason given
O: Unauthorised absence

Primary	Secondary
91,077	73,548
45,538.5 days	36,774 days

3. Why a change was needed

- 3.1 The perception of schools was that Harrow Council did not pursue legal processes proactively enough and that, as a result, individual children were out of school too much, underachieved and compounded the difficulties they faced. Intervention, in terms of enforcement, was not used as an early tool of prevention. Some cases referred to Targeted Services could, they argued, have been avoided through earlier intervention on attendance concerns. Belated action on attendance led to increased concerns about individual children. Schools wanted greater importance given by the LA to a child's attendance as a cause for concern.
- 3.2 Schools were concerned, therefore, about the impact absence from school can have on vulnerable learners, including at Year 11. The research suggests these concerns are well founded. It is often difficult to turn around attendance patterns in Year 11 some of these patterns are established much earlier. Schools were also concerned that when attendance falls below 90% and towards 80% it is often very difficult to recover.

4. Current situation

- 4.1 On the basis of concerns raised by schools and by Council officers working closely in this field, the LA carried out a consultation with schools, setting out a broad proposal on how schools and the Local Authority could work together to:
- reduce overall absence
 - provide additional targeted support for young people with persistent absence and their families
- 4.2 In the consultation, which ended on 8 October 2012, the LA proposed that some additional support would be provided to families once attendance fell below a threshold and that the LA would take more steps to ensure attendance through the full range of statutory powers available, including the use of penalty notices and, where necessary, prosecution of parents to enforce attendance at school.
- 4.3 The proposals in the consultation were overwhelmingly supported by schools in all phases. As a result, a number of schools are now taking part in a pilot to ensure that the LA is well placed to extend this work across all schools in 2013. The Attendance Intervention Model (AIM) pilot has held 2 pre-court panels but there has been no prosecution to date.

- 4.4 The Standing Advisory Council for Religious Education (SACRE) has drafted additional advice for headteachers with respect to days of religious observance and this will be with schools later this term.

5. Financial Implications

The additional support to families and the use of statutory powers will operate within the Early Intervention Service. Delivery of these activities is being funded from within existing budgets. The improvement of school attendance is one of the indicators that drive the performance related element of the "Troubled Families" initiative grant.

The raising of notices and billing of income will incur some set up costs such as software, plus some small on-going costs. It is anticipated that these costs will be funded from the income raised through issuing Education Penalty Notices.

6. Equalities Implications

Good attendance at school is a significant factor in safeguarding children and in their achievement. For disadvantaged children, absence from school has a greater than average detrimental impact on their opportunities in later life. These measures will help ensure that they, in particular, will have the support they need to overcome barriers to success.

7. Corporate Priorities

7.1 These considerations will support the Council's Corporate Priorities:

- United and involved communities: a Council that listens and leads
- Supporting and protecting people who are most in need

Section 3 - Statutory Officer Clearance

Name: Emma Stabler



on behalf of the
Chief Financial Officer

Date: 17 January 2013

Section 4 - Contact Details and Background Papers

Contact:

Patrick O'Dwyer
Education Professional Lead
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Background Papers:

None