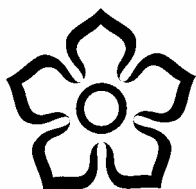


**WARDS AFFECTED**  
**All Wards**



**Leicester**  
City Council

**EDUCATION AND LIFELONG LEARNING**  
**SCRUTINY COMMITTEE**  
**AND CABINET**

**9 February 2005**  
**4 April 2005**

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**SCHOOL ATTENDANCE**

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**Report of the Corporate Director of Education**

**1. Purpose of the Report**

- 1.1 To report on pupil attendance levels for 2003/04 academic year, the strategies being adopted to address the position and consider new powers which are available to address unauthorised absence.

**2. Summary**

- 2.1 Despite an extensive range of intervention strategies by the LEA to support schools to raise pupil attendance levels, attendance rates have not increased as expected and remain below target. Whilst attendance levels in the primary school phase has seen gradual improvement, the overall attendance level for 2003/04 academic year remains approximately 1% below national average. In the secondary school phase, overall attendance rates have been largely relatively static over recent years and at 90.32%, are approximately 1.6% below national average.
- 2.2 Leicester City LEA is ranked in 142<sup>nd</sup> place, out of 150 Authorities in England for pupil attendance levels.
- 2.3 Unauthorised absence rates remain high in both phases, at 0.72% in primary schools (target = 0.25%) and at 3.04% overall in secondary schools (target = 1.25%). Nationally this ranks the Authority in 134<sup>th</sup> and 150<sup>th</sup> position respectively.
- 2.4 In an attempt to address the problem, a range of new strategies have been introduced to attempt to assist schools raise pupil attendance levels. Some of these arise from joint work last academic year by the LEA Education Welfare Service with consultants from the Department for Education and Skills (DfES). The full effect of these new strategies will not be seen immediately and may take at least one year to show any real effect.

### **3. Recommendations (or OPTIONS)**

3.1 The Education Scrutiny Committee is recommended to:

- (a) consider pupil attendance levels at City schools and the actions being taken to support schools to address the situation;
- (b) to consider and make recommendations to Cabinet on the contents of proposed Code of Conduct required to be issued under the Anti-Social Behaviour Act 2003 and The Education (Penalty Notices) (England) Regulations 2004, issued thereunder.

3.2 The Cabinet is asked to:

- (a) consider the low attendance levels of City schools and actions being taken to support schools to address the situation and
- (b) to consider and agree the contents of the Code of Conduct in light of the Scrutiny Committee's comments.

### **4. Headline Financial and Legal Implications**

4.1 There are no significant financial implications.  
(David Wilkin, Head of Education Finance)

4.2 The requirement to draw up and adopt the Code of Conduct in accordance with the above Act and Regulations which are referred to in the body of the report.  
(Satish Surani, Solicitor, Legal Services X 7034)

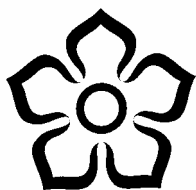
### **5. Report Author/Officer to contact:**

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### **DECISION STATUS**

|                                      |  |
|--------------------------------------|--|
| <b>Key Decision</b>                  | Yes  |
| <b>Reason</b>                        | Significant in terms of its effect on communities living or working in an area comprising one or more ward |
| <b>Appeared in Forward Plan</b>      | No   |
| <b>Executive or Council Decision</b> | Executive (Cabinet)  |





Leicester  
City Council

**WARDS AFFECTED:  
ALL WARDS (CORPORATE ISSUE)**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Scrutiny  
Cabinet**

**9 February 2005  
4 April 2005**

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**SCHOOL ATTENDANCE**

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**SUPPORTING INFORMATION**

**1. Report**

1.1 The Anti-Social Behaviour Act 2003, Section 23, Sub-Section (1) provides LEAs with a new power to issue Penalty Notices in respect of unauthorised absence from school. This power which has been available since 27 February 2004, has been created to provide an alternative sanction to instigating court action against parents who are deemed able, yet unwilling, to secure their child's regular attendance at school, as required by Section 7 Education Act 1996.

1.2 This power would enable the LEA on behalf of schools, to address unauthorised absence from school in a more timely manner than bringing the matter before the Magistrates' Court, thereby hopefully securing an earlier resolution to the problem. Any such action would only be taken as a last resort after an assessment of the individual circumstances has been undertaken and all relevant options have been explored.

1.3 Pupil attendance is a major problem in Leicester and attendance rates during the 2003/04 academic year were:

- Primary phase 93.47% (target = 94.25%) National average= 94.51%
- Secondary phase 90.32% (target = 92%) National average= 91.93%

Overall attendance rate for Leicester schools 92.09%  
National average 93.32%.

(see Appendix C1 and C2 for attendance and absence rates for all City schools)

1.4 Out of 150 LEAs, Leicester City lies in 144<sup>th</sup>, 138<sup>th</sup> and 142<sup>nd</sup> positions respectively.

1.5 Unauthorised absence levels during the same period were:

- Primary phase 0.72% (target= 0.25%)
- Secondary phase 3.04% (target= 1.25%)

Nationally, Leicester has the highest level of unauthorised absence in its secondary schools, and is in 134<sup>th</sup> place for unauthorised absence in primary schools.

1.6 When total pupil absence (i.e. authorised and unauthorised absence) is taken into account, Leicester's position in the LEA league tables is slightly better, with 6 authorities having worse overall pupil absence at primary school phase and 12 Authorities having worse overall pupil absence at secondary school phase.

1.7 Those authorities with greater primary school phase total pupil absence levels were: City of Bristol, Camden, Greenwich, Islington, Manchester and Sandwell.

1.8 Those authorities with greater secondary school phase total pupil absence levels were: Blackpool, City of Bristol, Halton, Kingston upon Hull, Liverpool, Manchester, Middlesbrough, North East Lincolnshire, Nottingham City, Portsmouth, Salford and Sandwell.

1.9 The Education Welfare Service (EWS) provides a substantial level of support to schools, on behalf of the LEA, to both offer advice and provide direct assistance to raise pupil attendance to optimum levels. This involves working with young people and their parents / carers, pastoral staff in schools, other support services and relevant agencies. The range of staff from these support services and other agencies include Special Educational Needs Co-ordinators (SENCOs), learning mentors, Connexions Personal Advisors, youth workers, educational psychologists, social workers, police officers and members of the Special Needs Teaching Service (SNTS).

1.10 The joint work undertaken with police officers, mainly consists of truancy patrols which take place on a regular basis, in various parts of the City and are exercised under powers contained within s.16 Crime and Disorder Act 1998. During the last academic year, 550 pupils were stopped whilst out of school during school hours. Of these, 304 were returned to school and of the remainder, 124 were with their parents who were often found to be colluding with the child's absence from school. In those cases where the reason offered was not acceptable (as such, the absence is classified as 'unauthorised') follow-up intervention with the family and young person is always carried out by either the school or the EWS.

1.11 The extent of the challenge facing the EWS was recognised in the 2004/05 Council Budget Settlement, which led to one additional EWO post being approved, increasing the number from 18 to 19. This additional resource has been made available to schools within the formula resource allocation.

- 1.12 Despite the vast range of support offered / provided by the school and LEA support services, some parents do not support their child's education as they are legally required to do.

## **Context**

- 1.13 The reasons for non-school attendance are complex. Non-attendance is merely the presenting symptom of a wider problem. Where initial intervention by schools is not successful in securing a return, the matter is referred to the EWS. Qualified Education Welfare Officers (EWOs) work with the school and the young person and their family, to try and resolve the problem. Assessments are undertaken to establish the reasons for absence and appropriate support is made available.
- 1.14 Young people who do not attend school regularly are less likely to achieve academically, thereby reducing their future life chances and increasing the likelihood of their becoming involved in offending and other anti-social behaviour.
- 1.15 City schools have done much to raise pupil attendance levels - for example by creating a welcoming environment and developing a positive ethos within the school where pupils and staff feel valued and treat one another with mutual respect. Wherever possible, the curriculum is tailored to meet specific needs. Where pupils experience difficulties, for example, struggling to cope with the curriculum or facing bullying, such matters are treated seriously and the problems are promptly addressed. In Key Stage 4, this may include provision of a Pastoral Programme, which some pupils find more relevant to their needs and in so doing encourages increased levels of attendance.
- 1.16 For the last academic year, the Principal EWO has worked with DfES consultants to ensure that individual schools were taking full ownership of promoting pupil attendance to optimum levels and that support work with schools from the Education Welfare Service (EWS) was targeted in line with identified needs. Jointly-run EWS/DfES workshops were held with representatives from all schools, with a view to ensuring that all adopted an annual School Attendance Plan.
- 1.17 A review of EWS intervention by the consultants endorsed the view that resources were allocated to schools in line with an agreed formula of need and that intervention was timely according to the casework cycles to which the service is operating.

1.18 Following further work with the DfES consultant, it was decided to implement the following new strategies this academic year:

- The introduction of School Attendance Panels. These create a formal process where parents are invited into schools to discuss attendance concerns relating to their child, before a panel consisting of a member of senior school staff, a school governor and the school EWO. The young person / child would attend where appropriate. The aim of the meeting is to discuss issues affecting the young person's education and their failure to attend school regularly, to identify the real reasons for the child's absence and to offer / provide appropriate support. This may include referral to other support services, such as student counselling. In addition, parents are reminded of their legal responsibilities in respect of securing their child's regular attendance at school and informed of the legal sanctions that can be taken against them.
- Attendance campaigns within individual schools to promote the importance of regular school attendance by incorporating this into subject areas within the curriculum, working with targeted groups of parents and young people, and the publication of posters, newsletters and magazines.
- An advertising campaign on Leicester City buses ran for 4 weeks in September 2004, promoting the message "every school day counts". A further campaign is scheduled for early in 2005.
- A 'blanket' letter was provided by the EWS to all schools, available for issue to parents of pupils whose attendance last academic year fell below 90%. The letter stressed the importance of regular school attendance and informed parents of the link between low attendance and low achievement.

These strategies together with the use of advice, guidance and support are used, as appropriate to each individual case. Where the absence continues without suitable justification, legal intervention is then usually taken. It is not possible to highlight the effectiveness of each particular action, for they are not used in isolation and are therefore, part of a whole range of intervention by the EWS.

1.19 ***It should be noted that annual holidays during term-time and extended holidays abroad are accounting for significant amounts of absence.*** Greater use will be made of attendance data to establish the exact extent of the problem and work will be undertaken by the EWS with schools where this is a particular problem.

1.20 Where, despite all the intervention strategies set out above, regular attendance is not secured, then legal sanctions must be considered. ***The responsibility in law for a child's non-attendance rests with the parents.***

1.21 Effective intervention to address unauthorised absence from school is of paramount importance. Extensive support is offered by both schools and the EWS to parents facing difficulty ensuring their child's regular attendance at school. Legal action is taken against parents *only as a last resort* and then only

against those who are essentially *unwilling* rather than *unable* to secure their child's regular school attendance. The decision as to whether to instigate such action is exercised by Principal or Assistant Principal EWO, based upon their professional judgement of the circumstances in each case.

- 1.22 During the academic year, 139 parental prosecution cases were brought before the Magistrates' Court and 15 Parenting Orders were directed. The DfES consultant reviewed the current use being made of legal proceedings to enforce school attendance and judged that the level of action appeared appropriate and that our processes were in line with DfES recommended timescales.
- 1.23 Analysis of data in respect of cases being taken to court, reveals that whilst all areas of the City are affected, there is a greater proportion of cases relating to families in lower social class groups. However, it must be stressed that the action is only taken after considering the extent of the disadvantage, because they are deemed culpable in denying their child(ren) access to regular education.
- 1.24 The level of fine disposal from cases brought before Leicester Magistrates' Court ranges from £25 to £500. The maximum fine available is £1000, although for matters brought under the 'aggravated' offence, the disposal increases to a fine of up to £2500 and/or 3 months imprisonment. Where cases are proven, but Magistrates decide not to impose a financial penalty, then as an alternative, a conditional discharge may be given for a period between 3 and 12 months.
- 1.25 It should be stressed that, despite the extensive range of support offered to schools by the LEA, overall attendance rates are showing little sign of improvement. Therefore, with regard to Leicester's low position in the national pupil attendance tables, it is vital that all avenues of support to assist the Authority to address the problem are considered.
- 1.26 The further measure now available to LEAs, not currently in use in Leicester, is the issue of Penalty Notices. Where such schemes are operating, they provide for the issue of Notices to parents where their child has levels of unauthorised absence from school beyond a locally agreed figure. 122 LEAs already have such schemes in place, including Leicestershire LEA. A further 20 LEAs have indicated to the DfES that they will have schemes in place by the end of February 2005.
- 1.27 The penalty notice schemes are designed to provide an additional tool to support LEAs to fulfil their statutory duties in respect of the enforcement of regular attendance at school. They would provide an alternative legal sanction to prosecuting parents in the Magistrates' Court. It is envisaged that this would enable action to be taken in a more timely manner, securing a swifter return of the child to school and thereby, safeguarding their entitlement to receipt of education.
- 1.28 The Anti-Social Behaviour Act 2003, section 23 (1) provides for the issue of fixed penalty notices. The Education (Penalty Notices) (England) Regulations 2004 set out the framework for the operation of the penalty notice scheme. In line with the regulations, a local Code of Conduct would have to be drawn up, outlining how any such scheme would operate at local level (Regulation 12). Regulation 15, provides that should an LEA not have drawn up a code of



conduct, the Secretary of State may at any time direct a LEA to do so.

- 1.29 In line with the regulations, a local code of conduct has been drawn up, which sets out how a Penalty Notice scheme might operate at local level (see appendix A)
- 1.30 The penalties, which are set by Government, would amount to £50 if the penalty notice is paid within 28 days, increasing to £100 if paid between 29 and 42 days. Thereafter, except in rare circumstances, the matter would then have to be brought before the Magistrates' Court.
- 1.31 Case study examples where penalty notices might prove effective are:
- A) Where a request for leave of absence for a holiday during term-time is not approved by the head teacher, but nevertheless, the holiday is still taken, the use of penalty notices would provide the head teacher with an effective sanction to tackle this problem.
  - B) A parent deliberately keeps their child off school and refuses all offers of professional support. Whilst bringing a prosecution action would be appropriate, the length of time for the matter to be brought before the court would mean the child continuing to miss many weeks of schooling. The issue of a penalty notice would be a more efficient process, which would secure the early return of the child to school.
- 1.32 Appendix B provides an illustration where it is anticipated that penalty notices would fit in with current EWS processes. It can be seen clearly that they would follow a proscribed period of intervention (as is currently the case with legal intervention in the Magistrates' Court) *after all other strategies have failed*.

## **2. Financial Implications**

- 2.1 The regulations state that additional costs arising from the operation of the scheme, or the cost prosecuting recipients who do not pay, can be recovered from income generated from payments received in respect of penalty notices issued. Any surplus income, if any, must be surrendered to the consolidated fund.

## **3. Legal Implications**

- 3.1 Legal Services have been consulted regarding the introduction of a Penalty Notice scheme, as referred to in DfES Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices.

#### 4. Other Implications

| OTHER IMPLICATIONS            | YES/NO | Paragraph References within this report |
|-------------------------------|--------|---|
| Raising Standards             | Yes    | 1.13                                    |
| Equal Opportunities           | No     |   |
| Policy                        | No     |   |
| Sustainable and Environmental | No     |   |
| Crime and Disorder            | Yes    | 1.13                                    |
| Human Rights Act              | Yes    | Appendix A                              |
| Elderly/People on Low Income  | No     |   |

#### 5. Background Papers – Local Government Act 1972

- Education Development Plan 2002 – 07 (pupil attendance and absence targets).
- DfES Guidance on Education – related Parenting Contracts, Parenting Orders and Penalty Notices.

#### 6. Consultation

6.1 All schools have been consulted to seek their views regarding the introduction of a Penalty Notice scheme. No objections have been formally received and many schools have expressed positive support for such a scheme being available. Whilst the regulations permit head teachers to directly issue Penalty Notices to parents, providing the local Code of Conduct is met, no schools have expressed such a desire, preferring instead for the LEA to do so on their behalf.

6.2 The police have been consulted regarding the powers contained in s.23 (1) Anti-Social Behaviour Act 2003. The regulations provide for them to be able to issue Penalty Notices directly to parents, however, they do not wish to exercise that option at the present time, instead content for the LEA to carry out this function as part of its non-school attendance enforcement powers.

6.3 David Wilkin, Head of Education Finance

6.4 Satish Surani, Solicitor, Legal Services

#### 7. Report Author

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