

# Croydon Council

## A staged approach to improving school attendance

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## Introduction

Promoting good attendance is a priority for all schools and is achieved most effectively in situations where there is emphasis on developing good relationships with families and a responsiveness to their needs.

LA and school policies and practice can have a substantial impact on rates of attendance when there is determined attention to those features of school that encourage and motivate pupils to attend, and swift follow up action when attendance is poor. Success is more likely when attendance is part of whole school processes for managing pupils' welfare. Sensitive awareness of pupils' home backgrounds and community values, good communication with parents or carers, coupled with expectations that pupils will make sufficient progress and the offer of an effective curriculum, need to be considered when developing a school policy on attendance. Successful practice is characterised by close links between approaches to attendance and other key school policies such as behaviour, pastoral care and special educational needs.

This guidance will support schools with promoting good school attendance, encourage use of Early Help Pathways and support an inclusive school ethos by fostering positive relationships between the school, pupils and their parents.

## An overview of the guidance

This guidance covers:

- a) **Actions to be undertaken by schools and education welfare officers to promote good attendance and the interventions to be undertaken to support parents/carers when their children's attendance becomes a concern.**
- b) **The legal measures available to the local authority where parents fail to ensure their child regularly attendance at school. This includes guidance on prosecutions under either sections 444(1) or 444(1A) of the Education Act 1996.**

## What is our approach to School Attendance?

Croydon Council has adopted a new staged approach for improving poor school attendance. This model has three stages:

UNIVERSAL

SUPPORT & INTERVENTION

ENFORCEMENT

These stages underpin our belief that whilst there is an appropriate role for taking legal enforcement measures against parents, ensuring families have the opportunity to receive effective support at an early stage is more likely to resolve patterns of poor attendance. Legal enforcement measures will therefore only be instigated when patterns of poor attendance continue and evidence exists that demonstrates that parent/carer has not engaged with interventions put in place to support them to improve their child's attendance.

## How will the Learning Access team work with schools

School attendance remains a key priority for Croydon Council. We will work in partnership with schools and their education welfare officers to improve attendance by providing targeted support and challenge both in respect individual children of concern, and schools where persistent and/or overall absence in a concern.

It is important for schools and the local authority to achieve the right balance between providing parents/ carers with effective support to improve their child's attendance at school and the use of legal enforcement measures against parents. The Learning Access team has been restructured to enable us to provide support to schools around attendance and take legal enforcement action where that is appropriate.

### Attendance Improvement Officers

The small team of Attendance Improvement Officers (AIOs) will work with schools to challenge high levels of absence and promote interventions to secure good attendance. They are not education welfare officers and should not be seen as a replacement for either current commissioned education welfare provision or attendance officer. Their role is to support the local authority in its responsibilities around school attendance.

When responding to individual pupils where the local authority becomes aware of an attendance concern AIOs can respond in one of three ways:

- 1. Enquiry** – they will satisfy themselves that the current steps being taken to address a pupil's poor attendance are appropriate and robust.
- 2. Support** – provide advice and guidance to schools around the Early Help Pathway the stage approach to improving attendance or referral to a professional network regarding actions that could be undertaken to improve attendance.
- 3. Intervention** – lead of co-ordinating 'team around the child/family ' (TAC/TAF) meetings for "stuck" cases where the existing network of support is not taking effective or appropriate action to improve a pupil's attendance.

AIOs will also co-ordinate 'team around the school' (TAS) where data indicates to the local authority that a school's overall or persistent absence level is a cause for concern. They will work with the school to review existing attendance management procedures and develop an action plan with the school to improve their practice at universal, support and intervention levels.

## Courts Officer

A dedicated Court Officer will lead on all prosecution matters and is available to advise schools and education welfare officers on enforcement measures against parents. Under the new staged intervention process responsibility for preparation of court papers, including witness statements, case papers, and collating supporting evidence will revert to schools and/or their education welfare provider.

This guidance will provide schools and education welfare providers with a framework within which to work and a staged approach for improving poor attendance at school.

## **Safeguarding young people**

If during this process the pupil is identified as being at risk of, or has experienced, harm a referral should be made to Children's Social Care immediately so that they can instigate a statutory response to protect the child. If the child is at risk of immediate harm the police should be called using 999. Action in these circumstances overrides staged approach to improving attendance as the priority is to protect the child.

### **Stage 1: Universal (needs met by services available to all)**

**Criteria: Attendance is between 90% and 100%**

**Support provided by: Schools**

Staged Intervention is a continuing process, and is designed to cross over the academic year. For example if you have started Stage 1 in July 2017, and then the summer break is taken. If attendance is poor and Stage 2 is merited, you continue the staged intervention to stage 2, instead of restarting the process because the attendance % resets. This applies to penalty notices as well.

Pupils with levels of attendance between 90% and 100% will receive support from their school through whole school approaches to promote good attendance and in house support services such as telephone calls; texts; letters; and informal meetings with parents.

The expectation is that schools will:

1. Have a whole school approach that promotes good attendance
2. Have in place a first day contacting system with parents of children who are absent from school to establish why the child is absent, and when the child is expected to return.
3. Monitor school attendance and trigger in house interventions when appropriate
  - a). 'N' code letters requesting reasons for absence when a parent / carer hasn't provided a reason.
  - b). Letter to alert parent of falling attendance – This may have the warning about the use of Penalty Notices .
  - c). Letter requesting medical evidence to be provided if absences continue to occur and the reason given is illness or medical.

- d). Letter inviting parent to a TAF meeting. This is necessary to fulfil the criteria for stage 3 Intervention.
- e). TAF meeting with a record of the meeting being completed.
4. Escalate in a timely manner to Stage 2 when a pupil is in need of greater support/intervention.
5. Have a praise/reward system in place for children who exceed the school's attendance target and/or improve their attendance following support, intervention or enforcement.

When a pupils attendance continues to decline over a period of time and falls below 90% \* schools should engage with Croydon Council's Early Help Pathway in order to identify any additional needs and secure the right support to improve attendance. Schools' should carry out an Early Help Assessment. This can be carried out at the same time as organising the initial Team Around the Family (TAF) meeting mentioned above. This will bring together an appropriate professional network.

\* Attendance can be erratic at the beginning of the academic year and below 90% can be achieved with few absences. In this cases count back 12 School weeks (and use the previous academic year if necessary) and if attendance is below 90% engage with the Early Help as mentioned above

Pupils whose attendance has reached the threshold for Stage 2 may be vulnerable, and have additional needs or the family may require additional support in order to facilitate a return to good attendance.

The TAF meeting should draw up a plan that will include the aim of securing good attendance and identify any additional support needed by the pupil or their family to achieve that. The TAF aims should not be limited to improving school attendance but also identify further additional support that may be needed by the pupils or their family.

Possible interventions agreed at the TAF could include additional in-school pastoral support and intervention; refer the pupil and/or the family to external support services; or undertaking specialist assessment such as those by CAMHS or an educational psychologist

If the absences are currently being authorised this should be reviewed and consideration given as to whether future absences should continue to be authorised and if so on what grounds.

At the initial TAF a review date should be set, which brings together the all the professionals involved in the network. This date should allow sufficient time for any support or interventions to be both put in place and have an impact. At the review TAF, depending on progress one of three things could be decided.

These are:

- the intervention is closed as sufficient improvement has been achieved;
- further targets are set, with appropriate support identified and a new review TAF date set; or

- Following a TAF meeting or failure to engage by the parent / carer the school decide whether or not to initiate the Stage 2 Support & Intervention

In some cases, especially where parents/carers have a history of poor engagement with support services, it may be an appropriate decision from the initial TAF meeting to run initial legal enforcement action in parallel with the TAF support plan.

In some cases, if the non-attendance meets the criteria, rather than undertake the initial enforcement action with a view to a possible prosecution straight away, it may be more appropriate to refer them to the local authority for a penalty notice instead.

## **Stage 2: Support & Intervention**

**Criteria: Attendance is between 80% and 90% and the necessary support of stage 1 has been provided by the School**

**Service provided by: Schools & EWS providers**

The suggested Stage 2 action starts with the 'Enforcement Letter 1' being sent following the TAF meeting. A monitoring period of about 2 weeks is suggested, and if unauthorised absences continue then move to the next intervention (Letter 2). If attendance dramatically improves, continue to monitor and only move onto the next intervention if unauthorised absences start to become regular again. If a TAF took place with the parent / carer enclose a copy of the meeting record in this letter, or point out the fact that the parent / carer failed to attend. A warning that if attendance doesn't improve an invite to attend an Attendance Panel Meeting will follow. The Education Act should also be mentioned at this time. Remind the parent that medical evidence is required for any absences due to illness or medical appointments

'Enforcement Letter 2' the invite to attend the Attendance Panel Meeting where the Education Welfare Officer / School Attendance Officer, offers a Parent Contract where actions can be agreed by the Parent / Carer / EWO / School, to support and improve School attendance. Secondary Schools can involve the child if it is felt that attendance will improve by the Child's presence at the meeting.

Attendance Panel Meeting is held, and parties present agree to the targets suggested by the Parent Contract, or by the parties involved. The Parent Contract is signed and dated by those present. If the parent engages, a review TAF meeting can be agreed at this meeting, and a monitoring period put in place (4 weeks is suggested, but do not wait to the end of the 4th week in cases of non-attendance, or unauthorised absences are regular. If attendance dramatically improves extend the monitoring period but hold the review TAF meeting

If the parent / carer hasn't attended this meeting and no communication has been received declining this meeting, a letter should be sent notifying them of a home visit with the intention of agreeing and signing to a Parent Contract. If the parent engages and agrees to the Parent Contract proceed as above. If the parent doesn't engage, set the monitoring period as if a Parent Contract had been signed. Arrange the Review TAF meeting regardless of engagement by the parent / carer.

Send a letter inviting the parent / carer to the review TAF meeting. A warning shall be enclosed that if the parent fails to attend the TAF meeting, and unauthorised absences continue, a referral to the Local Authority will be made to consider whether or not to instigate proceedings against the parent / carer.

Review Team around the family (TAF) meeting to review the support plan. Implement further support if necessary. If the case meets criteria for referral to the Local Authority for Stage 3 make the parent aware of the likelihood of a referral to the local authority being made, but emphasis that even if a referral is made, improved attendance may have an impact on the decision that the Local Authority decides to take in relation case disposal.

The balance around the amount of support undertaken and when it is appropriate to initiate initial enforcement action should be judged on a case by case basis. Such judgements will depend on the complexity of the pupils or parents circumstances and the support needed versus the level of parental engagement with the agreed support plan.

However in order for a case to be considered by the local authority for legal enforcement action, there should be evidence that, at a minimum, the school has undertaken the following:

1. Initiated the Early Help Pathway; convened an initial recorded TAF meeting; devised and implemented a support plan and then held a recorded review TAF; and
2. Sent parents/carers Enforcement Letters 1 and 2 and offered a Parenting Contract at the School, and at their address if they haven't attended or engaged with the Parent Contract process at the School.

Only once Stage 2 interventions have been exhausted should a decision be made by the professional network whether to refer to local authority for possible prosecution. The School will make the final decision, if there is a disagreement over referring for Stage 3: Enforcement, but any objections by other agencies should be noted on the referral to the Local Authority, so that the Local Authority can take this into account, before making a decision on how to proceed.

### **Stage 3: Enforcement**

**Criteria: Attendance Level is below 80%, with 20 or more sessions of unauthorised absence in a 12 week period.**

**Service provided by: Croydon Council**

#### Referral to the local authority for legal intervention

Following completion of Stage 2 should the professional network decide to refer the parent/carers to the local authority for consideration for a legal enforcement intervention the lead school officer or the education welfare officer responsible for the cases should:

- a) Review the Case and in particular the unauthorised absences, and check to make sure that none of the defences under Section 444 Education Act 1996 apply. If these defences have been raised, your witness statement must reflect the reasons why these defences were not applicable.
- b) Make a referral to the Courts Officer using 'Request for Legal Intervention' referral form. Referrals should be made for legal action via the EWS mail box.
- c) The Courts Officer is available to discuss possible referrals prior to the school or EWO making the actual referral.
- d) The documents that the lead school officer or EWO need to submit:
  - i) Front sheet of the referral (MG1)
  - ii) Summary of evidence (MG5)
  - iii) A witness statement (MG11)
  - iv) Exhibits list (MG12)
  - v) A certificate of attendance signed by the head teacher
  - vi) Copies of exhibits (i.e. minutes of meetings, letters, plans, etc)
  - vii) Tracker form for stage 1
  - viii) Material relevant to the offence that has not been submitted as an exhibit as part of the prosecution. This material needs to be assessed by the prosecution to see if any items undermine the prosecution case or can assist the defence case.
- e) Guidance on completing a witness statement, the accompanying forms and preparing exhibits will not form part of this policy but will be distributed to School's and EWO providers separately.
- f) The Court Officer will respond to request within 10 school days of receiving the Request for Legal Intervention referral form.
- g) The Court Officer will quality assure the papers to ensure that they are of a suitable standard to be presented in court, that the required work has been undertaken at Stages 1 and 2 and that they are compliant with the rules of evidence.
- h) The Courts Officer will then write to the parent/carer advising them of the referral for enforcement and to give them an opportunity to provide evidence that supports their child's absence during the period of the offence (in writing), and any mitigation that maybe taken into account when the case disposal decision is made.
- i) Having received the case from the school and considered any representations from parents/carers or other professionals, the Courts Officer will make recommendation regarding an appropriate course of action. This could be seeking approval to prosecute or following an alternative course of action.



- j) If the case is approved for prosecution the papers will be finalised, a court date will be booked and the case will be referred to the local authority's legal representatives who will present the case in the Magistrates Court.
- k) Witnesses will be expected to attend the Magistrates Court to give live evidence where defendants plead **not guilty** to the offence.

### The decision to prosecute

The local authority may prosecute parents who fail to ensure their child attends school regularly. It does not have a duty to prosecute every case that is referred to it.

When considering a case for prosecution the Courts Officer has to consider a number of factors as set out in the Code for Crown Prosecutors before deciding to proceed. These are:

1. A duty to be fair, independent and objective, not letting any personal views about ethnic or national origin, sex, religious beliefs, political views or the sexual orientation influence decisions and not being affected by improper or undue pressure from any source.
2. Obligation to act in the interest of justice and not solely for the purpose of obtaining a conviction.
3. Duty to review, advise on and prosecute cases, ensuring that the law is properly applied, that all relevant evidence is put before the court and that obligations of disclosure are complied with.
4. Duty to act in accordance with the Human Rights Act 1998.
5. Application of the evidential test – is the evidence sufficient to provide a realistic prospect of conviction?
6. Application of the public interest test – is it in the public interest to proceed with a prosecution?

If the local authority decides not to prosecute it could decide to:

- Take No further action
- Administer a Simple Caution
- Penalty Notice (subject to the Penalty Notice Code of Conduct)
- Other actions, such as applying for an Education Supervision Order under the Children's Act 1989

The decision on whether to recommend whether a case is prosecuted will be made by the Courts Officer. All prosecutions will be authorised by the Director of Education & Youth Engagement or officers authorised to do so by the Director on their behalf.

### The offences

If the local authority decides to proceed with a prosecution parents could be charged with one of two offences under the Education Act 1996.

Section 444 (1) states:

*If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence.*

Section 444 (1A) states:

*If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school and the parent knows that his child is failing to attend regularly at the school and fails without reasonable justification to cause him to do so, he is guilty of an offence.*

The decision as to whether to prosecute under 444(1) or 444(1A) will be made on a case by case basis at the time, based on the available evidence and circumstances of the case.

### Possible outcomes following a prosecution

If found guilty in the magistrates court parents/carers could face the following possible outcomes

- a) Absolute discharge – no conditions attached, case dismissed.
- b) Conditional discharge – parent/carer receives no punishment on the condition that, in a period set by the court (not more than three year), no offence is committed. If any offence is committed during the period, the offender may also be re-sentenced for the original offence for which the conditional discharge was given.
- c) Fines – amount of fine is determined by the courts but up to £1000 for convictions under section 444(1) and up to £2500 for convictions under section 444(1A).
- d) Imprisonment – custodial sentences of up to three months for convictions under section 444(1A).
- e) Parenting Order – courts can issue a parenting order, which requires the parent/carer to attend a parenting programme as determined by the local authority.

If after a referral has been made to the Local Authority, and attendance continues to fall, repeat the above process again, but this time starting at Stage 1 on page 5 section 3 d). Ignoring the school standard letter, and medical request letter, move onto sending a letter inviting the parent to a TAF meeting.