

Report No.
ED15113

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **EDUCATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: **Wednesday 5 November 2014**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **TRUANCY AND MISSING CHILDREN**

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Chief Officer: Executive Director of Education, Care & Health Services

Ward: Borough Wide

1. Reason for report

- 1.1 This report sets out to inform and update the Education PDS Committee members on the legal framework and Bromley's processes regarding "Truancy and Children Missing Education". It includes statistical information comparing Bromley both nationally and with its statistical neighbours.

2. **RECOMMENDATION(S)**

- 2.1 Education PDS Members are asked to note and comment on the information detailed in this report.

Corporate Policy

1. Policy Status: Existing Policy: Further Details
 2. BBB Priority: Children and Young People:
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Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Education Welfare Service
 4. Total current budget for this head: £ 235,440.00 Controllable; £389,650.00 Total Cost
(This budget includes staffing for one officer allocated to issuing Child Employment and Entertainment Licenses and Chaperone Licences.)
The service currently brings into the authority £140,000 as a sold service
 5. Source of funding: RSG
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Staff

1. Number of staff (current and additional): Child Employment Officer @ 0.8FTE;
Child Missing Education Officer @ 1FTE; Education Welfare Officers @ 5.4FTE;
Senior Education Welfare Officers @ 1.9FTE
 2. If from existing staff resources, number of staff hours: Not applicable
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Legal

Legal Requirement: Statutory Requirement The LA has a statutory duty to investigate cases where they believe an offence has been committed under S441 and 441A Education Act 1996; Instigated School Attendance Orders and Issue Penalty Notices. The LA has a statutory duty to identify children that may be missing education. The LA has a statutory duty to safeguard children in Entertainment and Child Employment. This is undertaken by Issuing of licences. Children Performance regulations and Children and Young Person Act apply.

2. Call-in: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):

	2012 -2013	2013-2014
Referrals for attendance that met criteria	252	442
Referrals for Elective Home Education	115	111
Information cases – Early intervention	151	242
Of which Case work that resulted in:		
Penalty Notices Issued	66	105
Court Action	39	37
Children Missing Education Referrals	105	124

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

3.1 The Education Welfare Service discharges the Local Authority's statutory duties in relation to children missing education and holds parents to account for ensuring the regular attendance of their children at school.

3.2 Children Missing Education (CME)

3.2.1 Children Missing Education is defined as all children of compulsory school age who are not on a school roll, nor being educated otherwise and who have been out of any educational provision for a substantial period of time.

3.2.2 Ofsted, when undertaking inspections of Local Authorities, have broadened the definition of CME to include those young people who are:

- attending alternative provision;
- have been permanently excluded;
- in receipt of home tuition due to medical needs;
- whose parents have declared elective home education;
- are currently looked after by the Local Authority

3.2.3 There is an expectation that Local Authorities will have mechanisms to identify and monitor this cohort on a regular basis. Bromley has a Children Missing Education Policy that has been cascaded to all schools and partner agencies. This policy is available on request.

3.2.4 Schools are expected to notify the Local Authority of any child that they intend to remove from their school roll prior to removal as well as notifying the LA of any child that has failed to attend school for 10 days and they have been unable to trace.

3.2.5 Partner agencies, Health and Voluntary organisations are able to refer into the LA any child they believe to be out of education. There is one dedicated officer within Education Welfare Service who receives CME referrals.

3.2.6 On receipt of a referral the officer will undertake all relevant enquiries including making contact with the family and young person in order to support them to reengage with education and liaising with supporting agencies as necessary.

3.2.7 Families and young people who have not been traced are placed on a national data base called S2S. This enables other LAs to check their systems and identify whether children reported missing had been identified within their authority. This data base is interrogated on a regular basis as a safety measure taking note of children that had been removed from roll where schools had not previously notified the LA and undertaking enquiries as is necessary.

3.2.8 The table below shows the number of young people that met the criteria within the academic year 2013/14 for children missing education. It should be noted that, once on the database, it does not necessarily mean that the young person remains in that category. For example a young person in receipt of home tuition may have accessed the service for a limited period of time before returning to mainstream schooling. Other students whose parents previously elected to home educate, are removed from the CME register when after a period of time they return to mainstream education.

Category	No	Note
Alternative Provision	74	
Permanently Excluded (PEX)	40	

Category	No	Note
Home Tuition (HT)	59	It should be noted that there is not a defined period of time for a young person to access home tuition. The authority is guided by the consultant treating the young person and the young person's condition, be that physical or mental. 13 of these cases attended Nightengale.
Elective Home Education (EHE)	111	This is the total amount of referrals received and does not necessarily reflect the current total cohort for elective home educated students, as some young people will return to mainstream education
Looked after Children (LAC)	197	There is a separate report on LAC whose data cites 230 this includes returns for Yr12 students.

3.3 Elective Home Education (EHE)

- 3.3.1 Elective Home Education referrals are checked with Social Care prior to an initial home visit by the Children Missing Education Officer and where deemed appropriate a Common Assessment Framework is completed.
- 3.3.2 All EHE cases are discussed at a multi-agency forum that meets on a fortnightly basis, which comprises of Health, Social Services , Child and Adolescent Mental Health Representative, Police and Education Services.
- 3.3.3 A follow up visit is then undertaken by a qualified teacher within 2-10 weeks. If the visit should be deemed satisfactory, a further visit will then be undertaken 6 months later. The frequency of visits by the Education Advisor will be increased should the child be on a Child Protection Plan. The Advisor will be invited to attend the Initial Child Protection Plan meeting and any subsequent reviews.
- 3.3.4 In conjunction with Admissions there is a clear process for students who wish to return to mainstream education, including the Fair Access Protocol for all students.

3.4 Truancy

- 3.4.1 Truancy in education is defined as absences from school that have not been authorised by the school and can include parentally condoned absences.
- 3.4.2 Persistent absentees are defined as young people who have an absence rate of 15% or above. The total includes both authorised and unauthorised absences.
- 3.4.3 It should be noted that only the Head Teacher of a school can make the decision on whether the absences are authorised or not, based on the information they receive.
- 3.4.4 Overall absence within Bromley has fallen (in line with national trends), the first statistical release shows overall absence reduced 0.7% to 4.1%, below the National Average of 4.4%.
- 3.4.5 The percentage of persistent absentees in Bromley has dropped 0.5% to 3.6%, which is below the national average of 4.1%.
- 3.4.6 When Bromley is compared to statistical neighbours and surrounding boroughs the picture is favourable but we cannot afford to be complacent. Illness continues to be the main reason for absence and Bromley Education Welfare Service (BEWS) are asking schools to be more challenging when looking at illness.

3.4.7 Data sourced from DfE first statistical release dated 15th October 2014 can be found at appendix 1.

3.5 Context

3.5.1 Historically, BEWS visited all Bromley Schools and assisted the Schools in identifying poor attenders and delivered an early intervention service to prevent cases escalating to a legal arena.

3.5.2 The national academy agenda encouraged increased autonomy for schools, passing funding to academies that was previously held by the Local Authority. This, together with the reduction in Council funding both now and in future years, as a result of the national austerity agenda, meant that the local authority prioritised their services to focus on their statutory duties.

3.5.3 The service currently provides early intervention work to 28 Schools as a sold service this equates to 33.5% of total officer time. This aspect of the service is currently undergoing market testing.

3.5.4 Within the team, one officer is seconded to the Youth Offending Service (YOS) for 2 days a week and another officer is seconded to the Common Assessment Team (CAF) for 3 days a week.

3.6 Legal

3.6.1 The Education Act 1996 makes it an offence for any parent who fails to ensure the regular attendance of their child at school. This applies to all children of compulsory school age i.e.5-16 years old.

3.6.2 The Local Authority discharges its statutory duty to investigate possible offences through the BEWS. The duty to investigate possible offences committed, extends to all schools. BEWS has a policy on investigation referrals. This policy outlines the criteria and eligibility for referral acceptance. This has been cascaded to all schools and is available on the schools information sharing platform namely Fronter.

3.6.3 All referrals received adhere to the Police and Criminal Evidence Act 1984 and Criminal Procedures and Investigation Act 1996. The outcomes (also known as disposals) available following an investigation referral are as follow:

- Return to School as unmet needs identified;
- Simple Caution - Education Welfare has recently implemented the “Simple Caution” also known as a caution. This is recordable and can be used as part of the decision process should attendance become an issue again;
- Fixed Penalty Notice;
- Summons to Court;
- School Attendance Order;
- Education Supervision Order;

3.6.4 Outcomes for legal disposals

	2011-2012	2012 - 2013	2013-2014
Penalty Notices issued for poor attendance	64	66	105
Penalty Notices paid	28	24	77
Penalty Notices not paid resulted in court action	10	13	10
Penalty Notices withdrawn	26	20	18

	2011-2012	2012 - 2013	2013-2014
Of the Penalty Notices withdrawn:			
• incorrectly issued	1	1	3
• determined that it was not in the public interest to proceed.	25	19	10
• issued outside the terms of Code of Conduct	0	0	1
• contained errors	0	0	4
Additional Summonses were issued for failure to secure regular attendance	23	22*	27**
Simple Cautions delivered	0	0	4

* From these Summonses 3 parents had previously been issued with a penalty notice during 2010,2011,2012;

** From those summonses 2 parents had previously been issued with a penalty notice during 2012.

- 3.6.5 It should be noted that Penalty Notices that are not paid, automatically go to court unless they were found to be incorrectly issued or Since the issue of the penalty notice, attendance has improved and as such it is not in the public interest to proceed. The parent is summonsed for the failure to secure regular attendance and not for failure to pay the fine.
- 3.6.6 Any application for a summons to the court has to be made and listed for court within 6 months from the last date of the offence. Any such applications must be supported with evidence, normally this is in the form of statements and signed Head Teachers Certificates, given the parent is being summonsed for the failure to secure regular attendance and not the non-payment of the fine.
- 3.6.7 As can be seen in the data for 2011- 2012 there was a high level of PN that did not proceed to court. The applications had been made on the last day of the summer term for absences that predated the application. The LA was not in a position to issue straight away and was reliant on subsequent information from the schools. That information was not available until the new year commenced. This together with the time allowed for payment which was then 42 working days reduced the window of opportunity for obtaining a summons when payment was not made.
- 3.6.8 The time frames for payment has now been reduced and was implemented in September 2013. This requires parents to pay a penalty notice of £60. The fine increases to £120 if not paid after 21 days and before 28 days.
- 3.6.9 The data shows an increase in the issue of Penalty Notices for 2013-2014. This impart could be for the following reasons:
- Unauthorised leave of absence formally known as unauthorised holiday
 - Requests from Schools as an early intervention use
 - Change of practise within Bromley EWS to an Investigatory service
 - Tiered approach to disposals

4. LEGAL IMPLICATIONS

- 4.1 The LA has a statutory duty to investigate cases where they believe an offence has been committed under S441 and 441A Education Act 1996; Instigated School Attendance Orders and Issue Penalty Notices.

- 4.2 The LA has a statutory duty to identify children that may be missing education.
- 4.3 The LA has a statutory duty to safeguard children in Entertainment and Child Employment. This is undertaken by Issuing of licences. Children Performance regulations and Children and Young Person Act apply.

Non-Applicable Sections:	POLICY, FINANCIAL AND PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	