

EDUCATIONAL NEGLECT POLICY

Education Inclusion Service

Educational Neglect Policy

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Cyngor Bwrdeisdref Sirol

Blaenau Gwent

County Borough Council

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INTRODUCTION AND BACKGROUND

This policy aims to reduce persistent absenteeism in Blaenau Gwent.

Improving educational outcomes for our children and young people is a key priority for the Council. The links between poor attendance and attainment are compelling and the Council is aiming to address the root causes of non-attendance, one of these being, 'safeguarding and long-term absence'.

In order to devise this policy, a task and finish group was established comprising representatives from the Education Inclusion Service, Safeguarding in Education and the Service Manager for Children's Services.

The link between neglect and poor school attendance has been articulated in a number of recent reports. The Department for Education accepted a recommendation in 2012 that, 'persistent failure to send children to school is a clear sign of neglect and that Children's Services should work with schools to address underlying difficulties'.

In 2013, the NSPCC cited, 'failure to ensure regular school attendance that prevents the child reaching their full potential academically' as one of their six forms of neglect.

The statutory response from the Council regarding this issue has been systematic and well evidenced. There were 100 fixed penalty notices issued in 2017/18 and over 40 prosecutions relating to school attendance.

When considering the data, the task and finish group found of particular concern the extent of re-offending and repeated court appearances regarding the same pupil and/or involving the same parents. This focussed the group's attention on being able to highlight those for whom behaviour was not changing over a period of time.

It was felt appropriate that it would be most useful to identify a term to characterise this neglect. The term 'educational neglect' was considered as being the most helpful, in that it could both support the narrative from professionals and simply convey to our school communities the level of concern the issue should invoke.

Whilst rarely used in the United Kingdom, the term has a resonance in the United States of America, where it is used to describe excessive unauthorised absence, failing to register for education or not supporting a child to get help for any special educational needs they are entitled to. The reporting of educational neglect is required as part of social services legislation in each school district in New York State.

In constructing the term for the Blaenau Gwent context, the group was aware that a number of young people who fail to attend school regularly are on the caseload of both Children's Services and the Education Welfare Service. The intention is not to necessarily increase the number of Children's Services referrals, rather, the purpose is to create a descriptor that highlights the critical educational and life implications relating to a child/young person that may not previously otherwise have been communicated. This is why it was agreed the term should not be used unless a twelve month period has elapsed in which certain thresholds have been met.

For it to be used in our local context, the task and finish group intend the term to be a descriptor that, on a continuum of need, demonstrates a critical state beyond the 'persistent absence' definition currently used across the country.

AIMS

The aim of this policy is to establish a common understanding and a common threshold for intervention in cases where educational neglect of children is a concern.

This document is aimed at practitioners working with children and families in Blaenau Gwent to support an improved understanding of educational neglect and how we can respond more effectively to achieve better outcomes for children.

This will be done by a) defining various levels of absenteeism and b) establishing clear procedures for intervention.

School attendance is primarily a whole school responsibility and schools work hard to ensure a cooperative relationship with the family of a child with attendance problems. During this time of working with the family there can sometimes be a delay in the escalation of appropriate interventions resulting in the number of absences continuing to accumulate. To avoid this problem, a two tiered approach to intervention has been developed. The tiers of intervention are tightly linked to the Borough's priority to reduce persistent absenteeism.

In the first stage, when a student is on his/her way to becoming persistently absent, the school and the Education Welfare Service conduct additional investigations to try to identify the underlying problems and causes of school absence and then provide additional and different school support services.

In the second stage, when the student's unauthorised absences reach the threshold for educational neglect, as defined below, then a referral should be submitted to Children's Services.

Hopefully, this collaborative approach will reduce persistent absenteeism rates and lessen the need for Court action.

EDUCATIONAL NEGLECT DESCRIPTOR AND DEFINITIONS

Certain risk factors will necessitate immediate referral to Children's Services.

The following definitions for Educational Neglect, where irregular school attendance is the only presenting or significant issue, requires evidence collated over a **twelve month period**. During this time a number of evidenced observations and actions will have ordinarily taken place by schools and the Education Welfare Service (Appendix 1 – Callio and a 5 stepped approach to managing attendance).

The following descriptor for neglect is provided which forms the basis of the following definitions.

'The persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development'.

1. DEFINITION OF EDUCATIONAL NEGLECT (OMISSION BY PARENT)

Meeting the Blaenau Gwent definition of Educational Neglect requires all of the following to be met over a twelve-month period:

- School attendance of 75% or less;
- Parent failing or inadequately maintaining schooling or identifying provision for their child;
- Parent failing to attend most school and LA meetings and/or engage with support offered;
- Parent unable to provide substantiated reasons for most absences from school; and
- At least one court intervention which fails to improve attendance. This could be a Section 444/444(1A) prosecution or School Attendance Order or Education Supervision Order.

This information, provided as part of a MARF should then lead to an integrated assessment.

School attendance of 75% or less over an academic year (three terms) in primary halves the possibility of achieving Level 4, the recognised average level for a child at the end of Key Stage 2 (11 years of age) and in a secondary setting is five times less likely to achieve 5 GCSE's including English and Mathematics, the recognised average level for a young person at the end of Key Stage 4 (16 years of age).

2. DEFINITION OF EDUCATIONAL NEGLECT (OMISSION BY YOUNG PERSON)

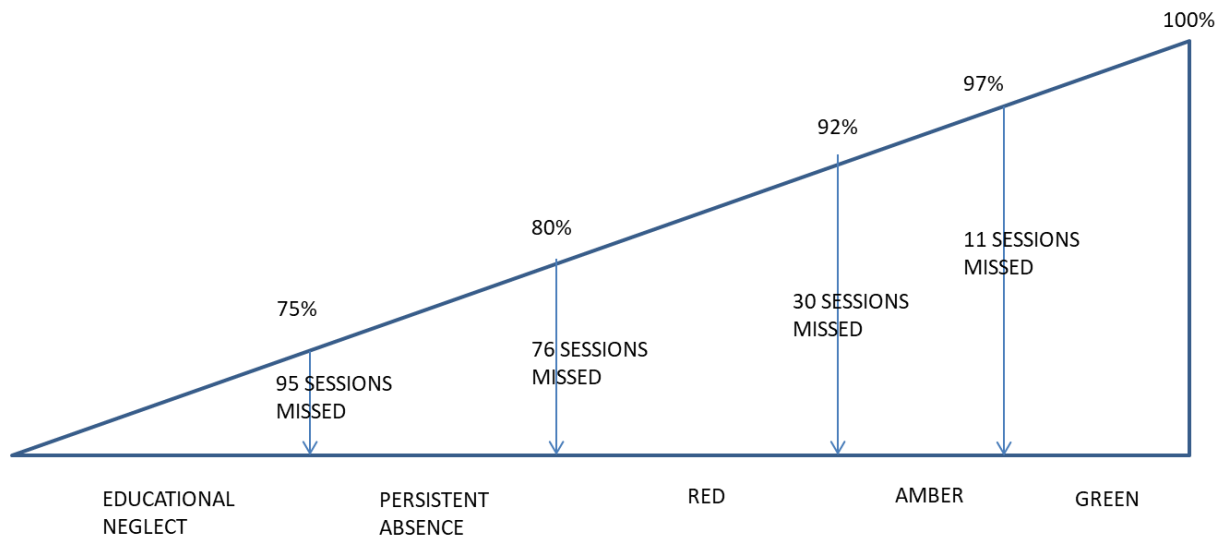
This definition is appropriate when pupils are old enough to determine their own actions and independently travel to school and where:

- parental co-operation is clearly demonstrated;
- current educational provision is appropriate for the young person's needs;
and
- attendance levels are 75% or less.

Should these thresholds be met, the Education Welfare Service will consider applying to the Family Court for an Education Supervision Order.

If the young person or parent persistently fails to follow any directions made in the course of an Education Supervision Order, there is a legal duty for an integrated assessment, following a MARF.

INDIVIDUAL ATTENDANCE THRESHOLDS OVER 12 MONTHS



STATUTORY PATHWAYS

FIXED PENALTY NOTICE (Administered by the Council)

An early intervention where there is irregular attendance, unauthorised absence and reasonable expectation that this may change; discharges parent's liability for conviction of an offence by paying under the Education (Penalty Notices) (Wales) Regulations 2013.

PROSECUTION - ABSOLUTE OFFENCE (Magistrates Court)

Prosecution of a parent, under Section 444(1) of the Education Act 1996, for irregular attendance of child with unauthorised absence; this is a strict liability offence with limited defences.

PROSECUTION – AGGRAVATED OFFENCE (Magistrates Court)

Prosecution of a parent, under Section 444(1A) of the Education Act 1996, for irregular attendance of child with unauthorised absence; parent knows about irregular attendance and fails without reasonable justification to change this, potential of custodial sentence.

SCHOOL ATTENDANCE ORDER (Magistrates Court if not resolved)

Require parent(s), under Education Act 1996, to register a child of compulsory school age at a named school when not receiving a suitable education.

EDUCATION SUPERVISION ORDER (Family Court)

Twelve month Order under Section 36 of the Children Act 1989 on the grounds that the child is not being suitably educated; Supervising Officer to, 'assist, advise and befriend'.

Appendix 1 Callio

Hours of Lost Learning and how attendance impacts on attainment

Green	100%	Not missing any lessons
	99%	Missing about 10 lessons
	98%	Missing about 20 lessons
	97%	Missing about 30 lessons
Amber	96%	Missing about 8 days of school. It will be difficult to catch up on lost learning from 40 lessons.
	95%	Missing about 2 weeks of school. Time to 'Callio'.
	93%	Missing 14 days of school. This is almost 3 weeks which is a significant amount of education to lose.
Red	92% and below	Missing more than 3 weeks of education. A serious loss of learning which is likely to have a detrimental effect on achievement and life chances.

For those pupils in the green category a well done letter is sent to parents

For those pupils in the amber category a warning letter is issued telling parents that they need to improve their child's attendance

For those pupils in the red category there would be an expectation that schools and the EWOs have taken a stepped approach to address the attendance issues.

STEP 1 – School Based Action

Initial school intervention should include:

1. 1st day of absence parental contact by telephone, text or e-mail.
2. Working together with parents and pupils to identify underlying causes of non-attendance, e.g.:
 - Medical needs
 - Bullying
 - Social Problems
 - Disaffection
 - Lateness
 - SEN
3. Developing and adopting in-school policies to identify underlying problems and where appropriate develop realistic strategies to address them.
4. Issuing advisory notices for unauthorised absences and persistent lateness.

STEP 2 – School-based in conjunction with advice from EWS

Where school-based interventions are still considered the appropriate level, Education Welfare Officer (EWO) expertise and advice may be sought.

The EWO, working in a consultative capacity, will act to assist the school in identifying possible alternative strategies through liaison with the school's senior manager with responsibility for attendance

At this level no formal referral is made. Though good practice would suggest that such consultations would result in a pupil's name being recorded in order to anticipate future intervention.

Where parents seek help from the Education Welfare Service (EWS) directly, Step1 intervention may be considered appropriate.

In order to move to Step 3 the appropriateness of a referral should be judged using the following criteria:

- Have all the school-based intervention strategies been adopted /considered?

The EWS would consider referral in the following cases in conjunction with information gained at Step 2.

- Block absences of more than 20 sessions without explanation.
- Irregular patterns of attendance with frequent unauthorised absences.
- Prolonged poor attendance pattern.
- Pupils with less than 90% attendance in a term period.
- Children at risk who exhibit poor or irregular attendance.
- Suspicious absences without medical corroboration.
- Known truants.
- School refusers.
- Absences connected with possible child safeguarding issues.
- Sudden deterioration in attendance without any specific reason and no explanation given.
- Pupils who are persistently late after close of registration
- Request for Fixed Penalty Notices

The following questions may be useful in considering whether a referral to the EWS is appropriate:

- Is the EWS the correct agency to undertake the task?
 - Is it, for example, a task for Families First, Children's Services, Educational Psychologist or YISP?
- Is the timing appropriate?
- What is the desired outcome of the intended referral?
- What will the impact be on others?
 - Parents/siblings.
- Is this a priority for the EWS or are there other agencies or strategies available?
- Have the parents been advised by the school that a referral could be made to the EWS?

All referrals should be made on the EWS Referral Form.

The referral form contains factual evidence and is essential for case management and review as well as providing statistical data to schools, governors and the Council.

In addition, the following must be attached to the referral form.

- A copy of the pupil's school attendance record.
- Copies of letters and contact with parents - with date, time and outcome.
- Copies of correspondence with other services/agencies.
- In order to ensure the health and safety of the EWO any details of concern of known risk factors associated with the pupil and the pupil's parents and family or the geographical location of the home must also be included.

STEP 3 Formal Referral to the EWS and requests for FPNs

Each pupil will be considered on an individual basis and a referral will be based on a number of factors outlined in Step 2, and not solely of a set target figure of attendance.

School Staff are reminded that in order for legal action to be initiated at Step 5 absences must be recorded as unauthorised, as authorisation of an absence by the school constitutes a statutory defence to section 444 of the Education Act 1996

At Step 3 EWS action may include:

- Home visit.
- Writing to parents/carers.
- Contacting parents/carers by telephone.
- Emailing parents/carers
- Meeting with pupil in school with appropriate school staff.
- Meeting with pupil and parents in school with appropriate school staff.
- Support the school to draw up a contract between the school, EWS, parent and pupil.
- Issuing a Fixed Penalty Notice

Where a referral is agreed between the school and the EWO, the EWO will make an initial assessment and determine a course of action.

Where a home visit is considered the appropriate intervention the EWO will:

- Make a home visit within 5 school days of receipt of the referral.
- Provide a written response on process as part of the running referral record within 10 working days.
The purpose of the home visit will be to:
 - Assess family circumstances.
 - Inform parents of their obligations in respect of school attendance.
 - Provide advice and support to families

STEP 4 Case Management Approach

Where there has been little or no progress in improving attendance of individual pupils following EWS interventions at Step 3, the case will be subjected to a review in conjunction with the Senior EWO and other interested agencies where appropriate.

Consideration will be given to a number of complementary strategies. These may include:

- Intensive monitoring of individual pupil's attendance.
- A time limited in-depth programme with the family.
- Referral to other agencies/services.
- Holding an Attendance Case Review.
- Formal letters.
- Pre-court meeting.
- Consideration of Statutory Intervention – Step 5.

If there is no significant progress at Step 4, and there has been no evidence that the parents and or pupil have responded to a range of interventions which have been recorded and monitored, then parents will be informed that they have reached Step 5 Statutory Action.

Step 5 – Statutory Action

Where there is a need to implement statutory action the EWS will act within the following criteria (see EWS prosecution protocol):

- Prior to implementing action under Sect. 444 the EWS is required to give consideration of the suitability of the case for placing before the Family Court with regard to an Education Supervision Order under sect. 36 of the Children Act 1989 (*see below*)
- Are the absences in the attendance register shown as unauthorised? (*Under Sect. 444(1) Education Act 1996 – a statutory defence is the authorisation of absences by the school*)
- Has consideration been given to all possible intervention?
- Have the parents co-operated with the school/LEA in supporting the pupil (*Parents who fail in this regard could be prosecuted under the aggravated offence Sect.444(1A) Education Act 1996 – where, if found guilty, the penalty is greater*)
- Are there any other circumstances that mitigate against prosecuting at this stage?

Where the above criteria have been met the EWO will present the case to their Senior EWO for consideration.

The Senior EWO responsible for legal matters will ensure that the following procedures are activated:

Section 444(1) or 444(1A) of the Education Act 1996 (Failure to secure regular attendance of registered pupil)

Where there is little or no improvement following the Pre-Court meeting the process will continue as detailed: -

- The EWO, in consultation with the Senior EWO will collate the following documentation for prosecution –
- Head Teacher’s Certificate of Attendance
- Statement from the EWO and exhibits relevant to the case.
- Information regarding previous prosecutions.
- Supporting documentation, e.g. from other agencies

The Senior EWO responsible for legal matters will then progress the case with Legal Services.

Education supervision orders. S.36 the Children Act 1989

S.36 of the Children Act empowers the Council to apply for an Education Supervision Order (ESO). An ESO is a ‘family proceedings’ matter as defined by the Children’s Act 1989, which regards the welfare of the child as the main concern and is a civil matter.

Courts may not make an ESO when the child is in the care of the L.A.

An ESO will only be considered under the following circumstances:-

- Where parent/s and pupil/s are committed to improving attendance
- Where parent/s and pupil/s are prepared to work closely with the designated EWSO
- Where the child is of an age to benefit from an ESO.

For children not registered with a school they could be prosecuted under Section 443 Education Act 1996. (Failure to comply with school attendance order.)

(This covers children not on the roll of any school or receiving education otherwise than in school)

- Established EWS intervention, i.e. letters, visits
- Series of notices relating to the School Attendance Order sent by EWS Head of Service to parents
- The School Attendance Order sent by 1st class post
- Statements prepared
- Procedure for prosecution is as above.

Support for Groups of Pupils at Particular Risk

Certain pupils have the potential to pose a particular risk in terms of attendance and may need additional support to ensure regular attendance.

The EWS may be able to provide additional advice and support in such cases.

These groups include:

- Pupils with Special Educational Needs/Additional Learning Needs
- Children in the care of the Council. (All absences authorised and unauthorised should be monitored and reported to the EWS)