

# **CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

**28 JULY 2022**

## **ATTENDANCE AND PERSISTENT ABSENCE IN SCHOOLS**

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### Summary

This report provides an overview of attendance in Medway with a particular focus on persistent absence. It clarifies the statutory duties that the council holds in relation to attendance, outlines the strengths and areas for improvement and actions being taken.

#### 1. Budget and policy framework

1.1. Guidance published by the Department for Education (DfE) 'Improving School Attendance: Support for Schools and Local Authorities' sets out the responsibilities for Local Authorities in relation to the monitoring and investigating of school absences and attendance, including to:

- monitor and interrogate local and national data, feedback from schools and intelligence from partner agencies to develop an LA wide strategy to improve attendance and monitor impact (including join up with early help, children's social care and other LA services).
- monitor and share relevant absence information with schools for specific groups of pupils including those with protected characteristics.
- maintain regular communication and build relationships with school leaders through local networks and forums, to share local and national data, disseminate best practice and respond to intelligence from school leaders.

1.2. The published DfE Guidance entitled 'Working together to improve school attendance' also sets out expectations for Local Authorities to:

- Rigorously track local attendance data to devise a strategic approach to

attendance that prioritises the pupils, pupil cohorts and schools on which to provide support and focus its efforts on to unblock area wide barriers to attendance.

- Have a School Attendance Support Team which provides the following core functions free of charge to all schools (regardless of type):
  - Communication and advice: regularly bring schools together to communicate messages, provide advice and share best practice between schools and trusts within the area.
  - Targeting Support Meetings: hold termly conversations with schools, using their attendance data to identify pupils and cohorts at risk of poor attendance and agree targeted actions and access to services for those pupils.
  - Multi-disciplinary support for families: provide access to early help support workers to work intensively with families to provide practical whole-family support where needed to tackle the causes of absenteeism and unblock the barriers to attendance.
  - Legal intervention: take forward attendance legal intervention (using the full range of parental responsibility measures) where voluntary support has not been successful or engaged with.

1.3. This report sets out some of the key data and analysis in relation to Medway school attendance across a range of cohorts, persistent absence and support provided to schools by Local Authority teams.

## 2. Background

2.1. The DfE School attendance Guidance for maintained schools, academies, independent schools and local authorities May 2022 (background papers) states:

2.2. Central to raising standards in education and ensuring all pupils can fulfil their potential is an assumption so widely understood that it is insufficiently stated – pupils need to attend school regularly to benefit from their education.

2.3. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary school.

2.4. The government expects schools and local authorities to:

- promote good attendance and reduce absence, including persistent absence
- ensure every pupil has access to full-time education to which they are entitled
- act early to address patterns of absence

- 2.5. There are two key absence measures: overall absence rate and persistent absence (PA) rates. The overall absence rate is the total number of absent sessions as a percentage of the total possible sessions and the PA rate is the percentage of the enrolments who have 10% absence or higher. One session is half a school day. PA is equivalent to a pupil missing 1 day of schooling every fortnight. There is clear evidence of a link between persistent absence and low levels of achievement.
- 2.6. There are usually three publications of pupil absence data per year. The October release publishes the absence for the previous Autumn and Spring term, the March release publishes the previous full academic year, and the May release publishes the previous Autumn term. Only the full year absence data provides a definitive view of pupil absence.
- 2.7. The absence data is published for statutory school-age pupils only. These are pupil enrolments who are aged 5 to 15 on the first day of the academic year, so in Years 1 to 11. Reception (4-year-olds) absence figures are published separately.
- 2.8. The most recent published attendance data is for Terms 1-6 of the 2020-21 academic year.
- 2.9. Due to the pandemic, attendance data for summer 2021 was not published and absence coding has been inconsistent. In September 2021, the DfE introduced an 'X' code for the use of recording Covid absence which will enable more accurate comparisons of this year's attendance data when reported.

### 3. Attendance Performance

- 3.1. Full year Attendance data for Medway schools for is recorded in the table below:

	2018-2019	2018-2019	2019-2020	2019-2020	2020-2021	2020-2021
<i>(percentages)</i>	National	Medway	National	Medway	National	Medway
<b>Attendance</b>	95.2	95.3	95.3 *	95.3 *	95.4	95.1
<b>Persistent Absence</b>	11.0	11.4	*	*	12.1	13.4
<b>Overall Absence</b>	4.8	4.7	4.7	4.7	4.6	4.9

\* data during the pandemic that is incomplete due to cancellation of summer 2020 Census

- 3.2. Performance between primary and secondary absence show an increase in absence in secondary schools:

	2018-2019	2019-2020	2020-2021
<b>Overall Absence in Medway Schools</b>	4.7	*	4.9
<b>Primary Schools</b>	4.3	*	4.1
<b>Secondary Schools</b>	5.2	*	5.6
<b>Special Schools</b>	6.9	*	12.4
<b>Alternative Provision</b>	21.9	*	19.6

\* data during the pandemic that is incomplete due to cancellation of summer 2020 Census

- 3.3. The most recent attendance data available is Terms 1-2 of the current Academic year, the following table shows the comparisons from this data collection point to previous years:

	2018-19 T1-2	2018-19 T1-2	2019-20 T1-2	2019-20 T1-2	2020-21 T1-2	2020-21 T1-2	2021-22 T1-2	2021-22 T1-2
<i>(percentages)</i>	<b>National</b>	<b>Medway</b>	<b>National</b>	<b>Medway</b>	<b>National</b>	<b>Medway</b>	<b>National</b>	<b>Medway</b>
<b>Attendance</b>	95.7	95.6	95.1	95.2	95.3	94.8	93.1	92.9
<b>Persistent Absence</b>	10.9	11.9	13.1	13.6	13.0	16.4	23.5	25.3
<b>Overall Absence</b>	4.3	4.4	4.8	4.8	4.7	5.2	6.9	7.1

- 3.4. Medway's Covid X rate in 2021-2022 was 1.4, compared to the national rate of 1.6, indicating that schools in Medway recorded fewer absences associated to Covid than national.
- 3.5. Data is published for term 1-2 of the 21-22 Academic year. Medway has a combined (primary and secondary rate) rate of 25.1% compared to a national rate of 23.2% these figures include Covid related absences. Primary schools PA is at 22.5% and secondary at 28.2% both are higher than the National comparison.

#### 4. Pupils Attending Alternative Provision (AP)

- 4.1. Attendance for pupils in Medway Alternative Provision has reduced.

- 4.2. Nationally, it is known that attendance for pupils prior to being placed in AP is often poor; the challenges for AP to address reasons for and improve attendance are generally heightened when compared to those of mainstream schools.
- 4.3. It is recognised that addressing reasons for poor attendance cannot be seen separately from a range of factors and it is therefore important to consider these which may also include SEND that have not yet been identified. Nationally, research indicates that the percentage of pupils with SEND that are persistent absentees is more than two times higher (21.9%) than the rate for pupils with no identified SEND (9.8%) and that 80% of pupils attending AP are identified as having SEND. The DfE Green paper proposes a review of the system to integrate AP more into the SEND system (background papers).
- 4.4. Tracking undertaken within Medway has identified those pupils placed within AP who, once on roll go on to receive an EHC plan. Currently there are three pupils attending who have been allocated an EHC plan whilst on roll, with a further request underway for another pupil.
- 4.5. It is recognised that an area of concern is the potential impact of absence on educational outcomes and life chances for those young people as they move from AP.

## 5. Persistent Absence

- 5.1. Both Ofsted and the DfE have given high priority to improving pupil attendance and reducing persistent absence. On 6 May 2022, the DfE released new non-statutory guidance:

*“Working together to improve school attendance” to help schools, trusts, governing bodies, and local authorities maintain high levels of school attendance and improve consistency of support”.*

*To do this, the guidance focusses on managing attendance by:*

- *Preventing patterns of absence from developing by promoting good attendance*
- *Intervening early by using data to spot patterns of absence before they become persistent and working with families to remove the barriers to attendance*
- *Targeting support for persistent and severe absentees with all local partners working together to reengage pupils.’*

- 5.2. Following public consultation earlier this year, and subject to Parliament, the Secretary of State has committed to this guidance becoming statutory when parliamentary time allows (this will be no sooner than September 2023).
- 5.3. Training on the non-statutory guidance, delivered by the DfE in May 2022 and focuses on:
- What the new guidance means for local authorities

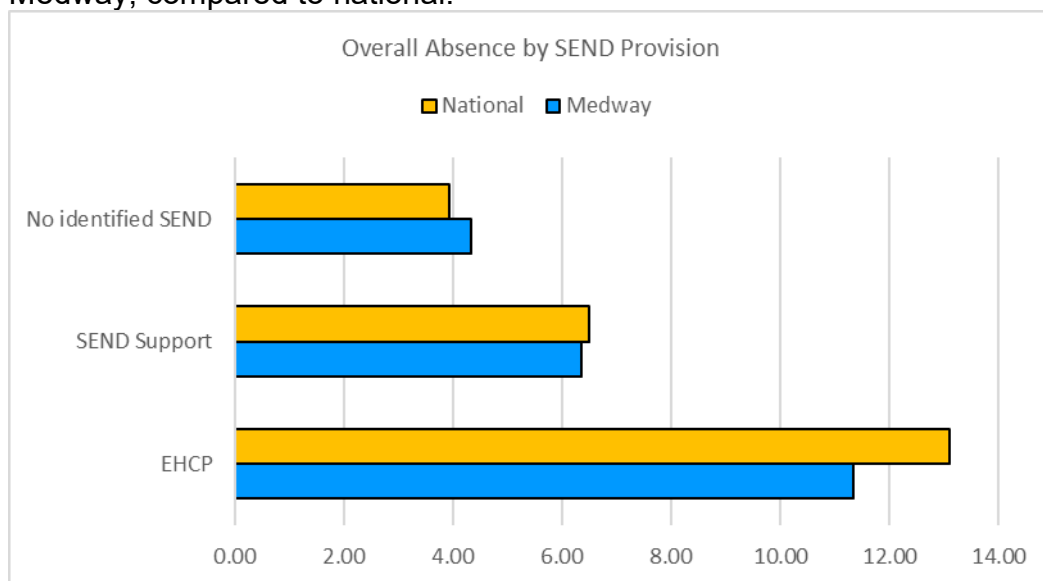
- Thinking strategically about attendance across the local authority
- The attendance support team:
  - communication and advice
  - holding effective target setting support meetings
  - working with families to remove out of school barriers
  - use of attendance legal intervention
- Attendance of pupils with a social worker

5.4. In February 2022, Ofsted published “Securing Good attendance and tackling persistent absence report”. The Attendance team have promoted this report and continually refer to this in their guidance to schools.

## 6. Pupils with SEND

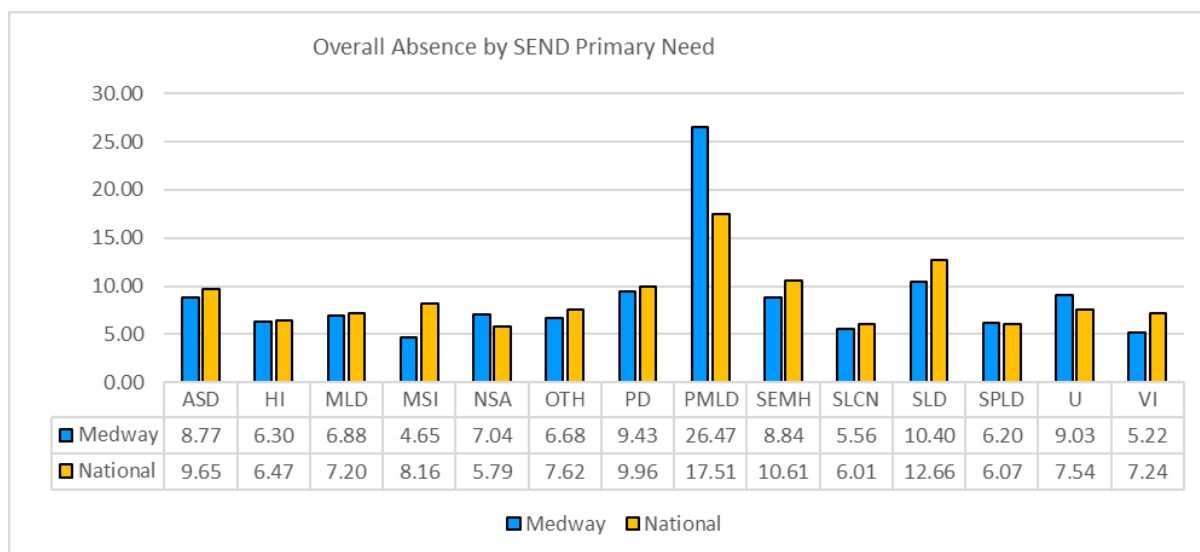
6.1. Nationally the attendance rate of pupils with both SEN K or an EHC plan, is poorer than the attendance rate of their peers. In Medway, the attendance rate for these cohorts is better than national.

6.2. Graph 1, below, shows 2020/21 absences (%), categorised by SEND in Medway, compared to national.



6.3. Medway’s overall absence rates are below national for most primary needs. PMLD (Profound & multiple learning difficulty) is 8.96 percentage points higher than national. The majority of this need type are catered for in Special schools in Medway. Analysis of attendance during this period must acknowledge the impact of the pandemic, particularly for vulnerable pupils attending Special schools.

- 6.4. Graph 2, below shows overall absence categorised by SEND type in Medway, compared to national.



## 7. Impact of the Pandemic

- 7.1. Analysis of pupils not attending school due to circumstances relating to Coronavirus, has been undertaken. Schools were advised to record pupils with a confirmed case of COVID as absent due to illness from 16 December 2021; prior to this absence was recorded differently.
- 7.2. In 2020/21, Medway's PA (13.4%) remained higher than national (12.1%). However, the proportion of absences recorded due to the pandemic was also significantly higher than National.
- 7.3. For most of the spring term, only children of critical (key) workers and vulnerable pupils could attend school during the period of lockdown from 4 January 2021. Restrictions were lifted on attendance from 8 March 2021 for all other pupils, four school weeks prior to the end of term.
- 7.4. For the reporting period terms 1 – 6 2020-21, Medway recorded an overall 9% higher rate of COVID related absences than national. The most significant differences being at primary and special schools where Medway's rates were 10% and an 11% higher respectively. Secondary schools in Medway were 8% above national.
- 7.5. Historically there has been a significant achievement gap between disadvantaged and non-disadvantaged pupils. It is expected that the period of lockdown had a greater impact on disadvantaged pupils causing a widening of gap.

## 8. Local Authority Intervention Activity to Improve Attendance

- 8.1. The local authority Attendance Advisory Service to Schools and Academies (AASSA) working with other teams within the education division tracks attendance data on a regular basis with increasing scrutiny to identify any

correlation between poor pupil attendance, the removal of pupils to formally educate at home, the exclusion of vulnerable pupils and pupils with identified special educational, or other, needs.

- 8.2. All schools are contacted if their persistent absence figure falls below national and are offered support and guidance. Whilst the AASS provides a traded service, this offer is not dependent upon schools purchasing this.
- 8.3. In order to address concerns over Persistent Absence, a Task and Finish Group has been established, focusing on identifying improvement priorities for attendance drawing on best practice and national initiatives. Including:
  - Utilising the data for persistent absence to identifying what has worked well and areas for improvement within individual schools and multi academy trusts
  - Operational matters, including the need for attendance policies to refer to DfE guidance on the expectations for schools to include a clear escalation process and, to legal legislation under the Education Act 1996 that underpins this action
  - Understanding and application of the latest DfE guidance
  - How to cascade findings of the group to all schools
- 8.4. The Task and Finish Group report into the Inclusive Education Oversight Group and the Medway Education Partnership Group (MEPG).
- 8.5. In February 2022, the DfE consulted on changes to improve the consistency of practice across all local authorities, academy trusts and schools, proposing that changes may strengthen practice locally through ensuring consistency and rigor of approach.
- 8.6. Broadly, response was invited regarding the following possible measures:
  - Requiring schools to have an attendance policy, and have regard to statutory guidance on the expectations of schools, academy trusts and governing bodies of maintained schools
  - Guidance on the expectation of local authority attendance services
  - A national framework for attendance legal intervention
  - Bringing the rules for granting leaves of absence in academies in line with other state funded schools
- 8.7. It is expected that changes will become statutory at the earliest, in September 2023.

## 9. Support Available for All Schools

- 9.1. The Attendance Advisory Service to Schools and Academies (AASSA) offers support to schools ensuring children are safe and in receipt of education. The AASSA provides a statutory service and a traded service to the majority of schools in Medway.



9.2. The statutory work includes:

- AASSA works in partnership with schools to monitor and improve school attendance, encouraging schools to challenge absence e.g., requesting medical evidence and not authorising unnecessary absence.
- In addition to offering an attendance audit and consultation in response to PA concerns, available statutory support includes the prosecution parents on behalf of Medway Council and the school when attendance fails to improve, and unauthorised absence continues to be recorded.
- Schools that use an independent or alternative attendance service would be expected to write Section 9 statements and do the court preparation themselves. AASSA will initiate legal proceedings following an education legal panel consultation if it is considered the appropriate work, support and recording of the case and correspondence is of standard to be presented as a prosecution case to the magistrates' courts.
- AASSA also issue penalty notices and present full cases in the magistrates' court, on behalf of all schools for unauthorised absence and unauthorised leave of absence (holiday).

9.3. The traded service includes:

- Schools that purchase the AASSA traded service, receive the full statutory free offer according to the AASSA code of practice. They are provided a range of services and advice designed to support schools in raising pupil school attendance.
- An allocated officer, the attendance advisory practitioner (AAP) to conduct an internal procedural check with the school's attendance officer and co-produce an attendance action plan. They also audit the school attendance policy and the schools' internal processes to ensure they are robust and fit for purpose.
- The AAP work with parents and carers, where unauthorised attendance is a concern and liaise with partner agencies: including social care, family solutions, Medway task force, health, public health, school nursing teams, admissions, inclusion, police, youth offending team and the UK border agency.
- The AAP ensures regular attendance monitoring throughout the academic year, attendance clinics, home visits for referred pupils, attendance at multi agency, professionals' meetings, e.g., early help, in-school review, child in need and child protection, new parent talks, attendance assemblies, late gates, attendance officer guidance and consultancy by team leader and or team manager.

- AASSA works in partnership with schools to comply with the legal framework for issuing penalty notices and preparation of evidence for court cases. In such cases, the penalty court officer within the AASSA service collates and records all attendance statistical data, comparative pupil attendance data and uses this to evidence and support attendance procedures, including on/off rolling.

9.4. Whilst there are other attendance services available to schools and academies in Medway, they do not have the same direct access to education, SEND and social care systems ensuring that there is a child focused approach from all professionals. The LA have access to council tax systems to locate pupils throughout Medway or when a child is reported as a child missing education (CME) to safeguard all children and young people.

## 10. Prosecution

- 10.1. Prosecution is always the last resort and not deemed the most appropriate way to improve attendance long term. However, there are times when the school has tried all other approaches and feels it is necessary to pursue this route.
- 10.2. Decisions regarding the authorisation of absences are the responsibility of the Headteacher and not the parent/carer. Authorised absence means that the school has given approval for the pupil to be absent. It is for the school to judge whether the reason for absence given is satisfactory, there are no set rules for this. If the school does not agree to the absence, then the absence is recorded as unauthorised.
- 10.3. All schools in Medway currently have an attendance policy which reflects the expectation stated within the recent publication from the DfE that is likely to be statutory from September 2023.
- 10.4. It is acceptable and good practice for schools to indicate to parent/carers that absences will not be authorised in future without some additional assurances that the absences are unavoidable i.e., medical evidence in the form of GP/hospital letter or note.
- 10.5. Under Section 444 of the Education Act 1996, parent/carers of a child of compulsory school age are under a legal duty to ensure the regular attendance of that child at the school where he or she is a registered pupil. Failure to discharge this duty may result in the LA prosecuting the parent/carers. If found guilty of the offence each Parent/Carer, may receive a fine or a Conditional Discharge. The Anti-Social Behaviour Act 2003 introduced the use of penalty notices. The 1996 Education Act clearly states, "If any child of compulsory school age, who is a registered pupil at a school, fails to attend regularly, the parents/carer of the child shall be guilty of an offence".

- 10.6. The Anti-Social Behaviour Act 2003 also introduced the use of penalty notices as an additional sanction to address the problem of poor school attendance. “Failure to ensure your child's regular attendance at school may result in prosecution in the courts or a penalty notice being issued”.
- 10.7. Amendments to the 2006 regulations remove references to family holiday and extended leave as well as the statutory threshold of 10 school days. The amendments make clear that Headteachers will NOT grant any leave of absence during term time unless there are exceptional circumstances. The Headteacher should determine the number of school days a child can be away from school if the leave is granted.
- 10.8. Issuing Penalty Notices are carried out when absences are either as a result of taking a holiday or are unauthorised:

Holiday	A referral is made to AASSA on behalf of all schools, for unauthorised holidays, 10 sessions of absence (5 school days) or more. Penalty notices are issued to each parent/carer for each child a £60 penalty notice, increasing to £120 if not paid within 21 days. Failure to pay the penalty notice, within 28 days, will result in a court prosecution for a child's irregular school attendance.
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Unauthorised Absence	In the event of 10 unauthorised sessions recorded, a referral may be made to AASSA. If a child incurs 10 sessions of unauthorised absence in a six-school week period, a penalty notice may be issued resulting in a £60 penalty notice, increasing to £120 if not paid within 21 days. Failure to pay the penalty notice, within 28 days, will result in a court prosecution for a child's irregular school attendance.
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- 10.9. Full Cases – prosecution is pursued:

A Full Case	When there are multi agencies involved with the family or the parents have been prosecuted before, a full case is required to ensure that all agencies are involved to ensure sufficient support is in place to enable the parent/carers to meet their legal responsibility and improve their child/children's attendance. Case work involves legal letters, meetings with the school and parent/carers, liaison with all agencies and attending multi agency meetings. If parents fail to improve their child's attendance the case proceeds to legal panel to be considered for prosecution. Cases have a 26-week prosecution time frame.
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- 10.10. The issuing of penalty notices has been declining in recent years and was ceased during the pandemic. Penalty notices started to be issued again in March 2021 and are rising to pre-pandemic numbers.

10.11. Table 3: Penalty Notices (PN) issued within Medway

	2017-18	2018-19	2019-20	2020-21	2021-22*
<b>Penalty Notices (PNs)</b>	2502	3059	1071	431	822
<b>Holiday PNs</b>	2101	2649	958	362	722
<b>Unauthorised Absence PNs</b>	401	410	113	69	100

\*September 2021 – May 2022

10.12. Prosecutions also ceased during the pandemic and resumed in March 2021

10.13. Table 6: Full case - prosecutions:

	2017-18	2018-19	2019-20	2020-21
<b>S441</b>	96	97	107	9
<b>S441/1A (more serious offence 2+ prosecution)</b>	3	65	65	12

10.14. It is rare that cases for prosecution are withdrawn prior to court as the evidence required for this to proceed is rigorously gathered by the service and scrutinised by a legal panel prior to issuing a summons.

## 11. Financial Implications

11.1. There are no financial implications arising from this report.

## 12. Legal Implications

12.1. There are no legal implications arising from this report.

## 13. Recommendations

13.1. The Children and Young People Overview and Scrutiny Committee is asked to note the report.

### Lead Officer Contact

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## Appendices

None

## Background Papers

DfE guidance: Working together to improve school attendance. May 2022:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1073616/Working\\_together\\_to\\_improve\\_school\\_attendance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073616/Working_together_to_improve_school_attendance.pdf).

The guidance summarises the legal powers and duties that govern school attendance and explains how they apply to local authorities, head teachers, school staff, governing bodies, pupils and parents.

These requirements are contained in:

- The Education Act 1996 - sections 434(1)(3)(4) & (6) and 458(4) & (5)
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016

DfE SEND Review: Right support, right place, right time

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