

25 November 2021

**Update on Education Welfare Service (Attendance)**

**Ward(s)** All

**Portfolio:** Councillor Chris Towe – Education & Skills

**1. Aim**

1.1 The aim of this report is to:

- Provide a clear understanding of the laws relating to School Attendance;
- Explain the role of the Education Welfare Service in relation to Attendance and statutory duties.
- Provide information detailing the Education Welfare Services thresholds and processes in carrying out its functions.

**2. Recommendations**

2.1 That the Education Overview and Scrutiny Committee considers the contents of this report and decides whether there should be further information or updates.

**3. Report detail – know**

**Attendance Law**

3.1 The Education Act 1996 (7) sets out the duty of parents to secure education of children of compulsory school age:

*The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—*

- (a) *to his age, ability and aptitude, and*
- (b) *to any special educational needs (in the case of a child who is in the area of a local authority in England) or additional learning needs (in the case of a child who is in the area of a local authority in Wales) he may have, either by regular attendance at school or otherwise.*

3.2 The law requires all schools including independent schools to have an admission register and, with the exception of schools where all pupils are boarders, an attendance register. All pupils (regardless of their age) must be placed on both registers. The proprietor of a school who fails to comply with these regulations is guilty of an offence and can be fined.

3.3 Local authorities, school governing bodies, school head teachers (and staff authorised by the head) and teachers-in-charge of pupil referral units are required by law to have regard to the relevant parts of the DfE guidance 'School attendance parental responsibility measure' when carrying out their functions in relation to parenting contracts, parenting orders and penalty notices.

- 3.4 Local authorities have the power to prosecute parents who fail to comply with a School Attendance Order (SAO) (section 443 of the Education Act 1996) or fail to ensure their child's regular attendance at a school (section 444 of the Education Act 1996).

### **Education Welfare Service and Schools**

- 3.5 The Education Welfare Service works closely with Walsall schools to support regular attendance and to deliver our statutory duties.
- 3.6 The majority of Walsall schools have regular referral meetings with an Education Welfare Service Attendance Officer. The Attendance Officers will visit schools to discuss all pupils that are of concern in regards to attendance. All interventions, actions, and escalation decisions are agreed upon by School and the Attendance Officer.
- 3.7 The Education Welfare Service is committed to ensuring that all children can take advantage of the educational opportunities available to them so that they achieve their potential. Where necessary a range of informal and/or legal interventions will be considered where a parent is failing in their duty to ensure that their child is educated.

### **Restorative Working**

- 3.8 The Education Welfare Service will offer parent(s)/carer(s) and school, advice, guidance, and support. Multi-agency involvement will be considered if there are concerns about a child's welfare.
- 3.9 As part of a graduated response, attempts to work with the parent(s)/carer(s) to encourage regular attendance will be made. Attempts to engage with parent(s)/carer(s) and pupils (where appropriate) are made by:
- Home visits;
  - Telephone calls;
  - Parent meetings;
  - Pupil Interviews (where appropriate).
- 3.10 If attendance does not improve, an Attendance Panel is held as part of the Education Welfare Service's process. The Attendance Panel provides parent(s)/carer(s) the opportunity to discuss the reasons for low attendance with the Attendance Officer and School. The Chair of Attendance Panel will identify areas where support is required to allow the pupil to access school regularly. Parent(s)/carer(s) and pupils are expected to engage with the Attendance Officer, School and other professionals if necessary to address the issues identified resulting in poor attendance.
- 3.11 A 6-week monitoring period is attached to the Attendance Panel to monitor and support regularly attendance. A review will take place at the end of the 6-weeks to determine whether further action is required.

## **Local Authority Statutory Duties**

- 3.12 Local authorities in England have a statutory duty to make arrangements to identify children not receiving education (section 436A, Education Act 1996). The statutory duties outline what the Local Authority should do to comply with the law to ensure that all children and young people of compulsory school age have access to a full-time, suitable education.
- 3.13 The LA identifies children not receiving education in Walsall schools by identifying pupils who are classified as persistently absent (PA) – pupils who have attendance of 90.00% and below.
- 3.14 In line with Walsall's Code of Conduct and Enforcement Policy, the LA will prosecute parent(s)/carer(s) for failing to secure regular school attendance for their child. Penalty Notices are issued for unauthorised leave in term time.
- 3.15 The LA has an Education Welfare Officer (EWO) who administers and enforces all requirements needed for child performance, child employment, and chaperone licensing.

## **Education Welfare Service – Reduced Timetables**

- 3.16 In October 2021, the Education Welfare Service published new guidance to set out the process for all schools to notify the Local Authority when a child is placed on a part-time/reduced school timetable.
- 3.17 The Local Authority has a statutory responsibility to track, monitor and action any pupil missing from education. Any pupil on a reduced timetable is not in receipt of a full-time offer and therefore needs to be accounted for. All schools in Walsall have a statutory responsibility to cooperate with the Council to ensure that the council's duties can be effectively discharged.
- 3.18 This guidance sets out notification and planning requirements applying to all Walsall schools, including Maintained, Academies, Free Schools, and Alternative Provision settings, in the very exceptional event of a reduced timetable being agreed for a pupil for a limited period.
- 3.19 It is the role of the Specialist Officer for Children Missing from Education within the Education Welfare Service to review all pupils who are not in receipt of a full-time offer, or, are not accessing education in the usual way. The officer will identify any schools where a pupil is not receiving their full-time educational entitlement for a period exceeding 6-weeks and raise the concern with the school. This is will be escalated to the Schools Causing Concern Forum where appropriate.

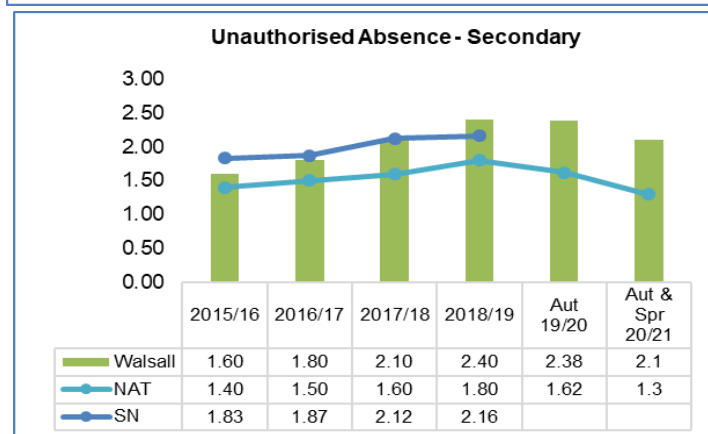
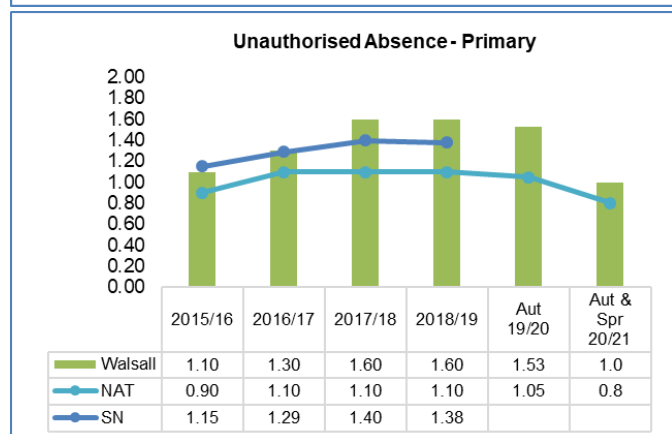
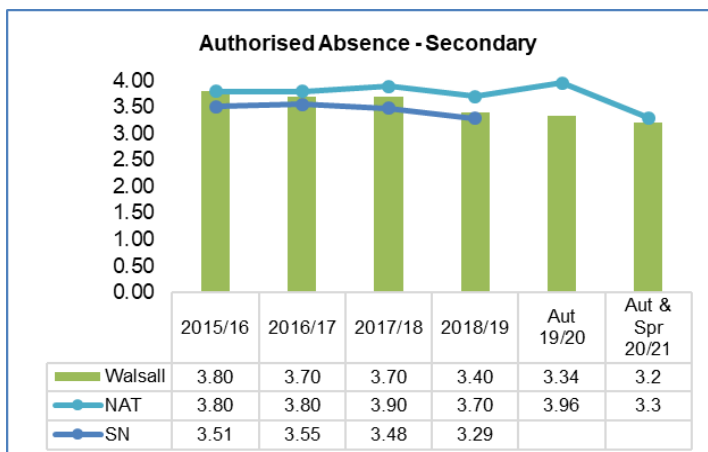
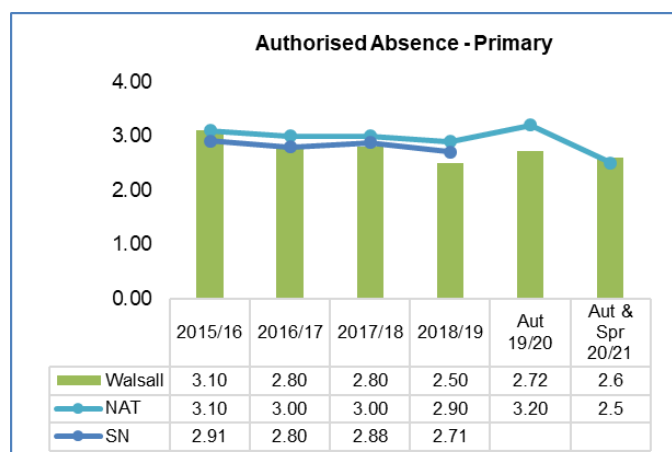
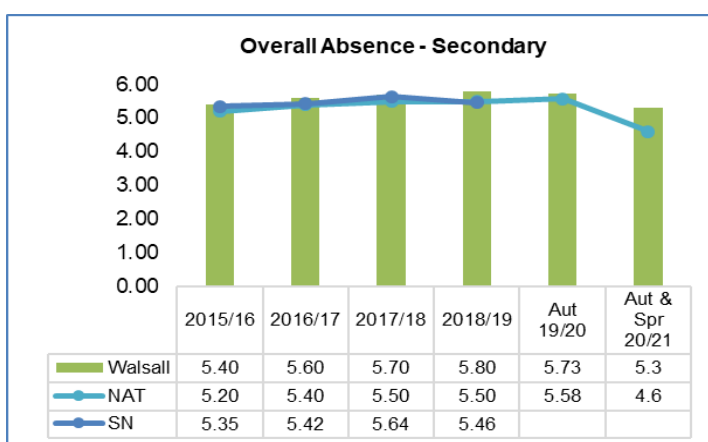
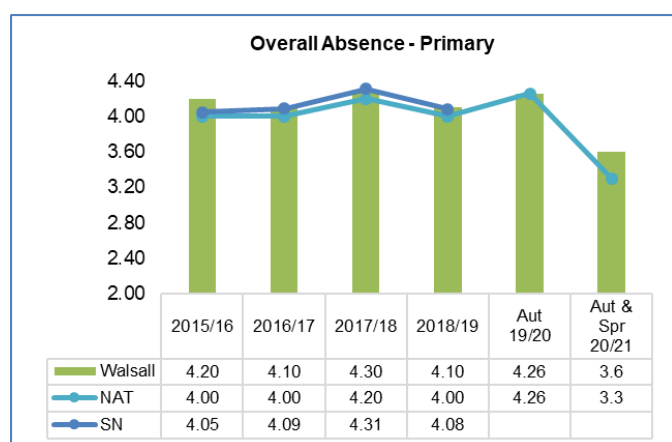
## **Education Welfare Service Data - Attendance figures**

- 3.20 The absence statistics on the levels of overall, authorised, and unauthorised absence in state-funded schools was published on 21st October 2021 for the autumn 2020 and spring 2021 terms. Absence data was collected via the school census.

3.21 The following graphs provide information on the levels of overall, authorised, and unauthorised absence over six years, in state-funded primary schools and state-funded secondary schools.

3.22 Please note:

- Full-year data is available for 2015/16 to 2018/19 academic years only, autumn term data was published for 2019/20, and autumn and spring terms combined are available for 2020/2021.
- For the majority of the spring 2021 term, only children of critical 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 before the end of term.
- Due to the disruption faced during the spring 2021 term, caution should be taken when comparing data to previous years.



### **Primary Schools**

- 3.23 The latest published data for the autumn and spring terms combined in 2020/21 shows the overall absence for primary schools in Walsall is at or around national average.

### **Secondary Schools**

- 3.24 The latest published data for the autumn and spring terms combined in 2020/2021 shows the overall absence for secondary schools in Walsall is at or around national average.

### **Disapplication of statutory proceedings**

- 3.25 Due to COVID-19, the government dis-applied certain statutory provisions on school attendance so that the parent of a child of compulsory school age would not be guilty of an offence on account of their child's failure to attend school regularly (Coronavirus Act 2020). This followed the decision of the government to close schools, colleges, and nurseries in March 2020.

### **Coronavirus**

- 3.26 With the threat of Coronavirus, there are circumstances when a pupil is unable to attend school for reasons related to Coronavirus. Therefore, although school attendance is now compulsory, a new category (Code X) has been introduced to the regulations governing school attendance registers – 'not attending in circumstances related to Coronavirus (Covid-19)'.

This new category of non-attendance will not count as an absence (authorised or unauthorised) for statistical purposes and the pupil's parent will not be sanctioned.

The Department for Education has published an **addendum** to the school attendance guidance which details the new category and outlines the circumstances in which it could apply.

The Education Welfare Service continues to give support and advice to Schools and parents/carers when necessary in regards to the new changes.

### **Post Coronavirus**

- 3.27 From the start of the autumn term 2021, however, pupil attendance at school is compulsory and the usual rules on school attendance have been reinstated. This includes the parent(s)/carer(s) duty to ensure that their child of compulsory school age attends regularly at the school where the child is a registered pupil and the ability to issue sanctions, including fixed penalty notices, in line with local authorities' codes of conduct.

#### **4. *Financial information***

- 4.1 The EWS service has a budget of £683,088 funded through the Dedicated Schools Grant (DSG) and from general funding to enable it to carry out its duties. In addition, a number of schools buy additional services to enable them to encourage good school attendance with their parent community.

#### **5. *Reducing Inequalities***

- 5.1 In accordance with the Walsall Right for Children Inclusion Strategy, the Education Welfare Service is committed to ensuring that all children and young people are able to access appropriate, high quality, inclusive education to ensure the best possible outcomes, whatever their abilities or needs. We aim to identify vulnerable learners and those with special education needs and disabilities (SEND) including those from other disadvantaged backgrounds. We strive to encourage good school attendance to enable an environment where all children can achieve, feel safe and included.

#### **6. *Decide***

- 6.1 The Committee may decide to note the current position and request further information or assurance in respect of the progress of the School Admissions process.

#### **7. *Respond***

- 7.1 Any recommendations made by the Committee will be assessed against the Access and Inclusion planned work and performance board programmes.

#### **8. *Review***

- 8.1 The work of the Education Welfare Service team is subject to constant monitoring and assessment via the Children's Services Performance Board process.

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