



INTRODUCTION AND BACKGROUND

1. This piece of work has emerged from Knowsley's School Attendance Strategy 2015-16. Improving educational outcomes for our children and young people is a key priority for the council. School attendance has been a major cause for concern over recent years and the Attendance Strategy has been a key response to this. The links between poor attendance and attainment are compelling and the long-term life implications for our residents significant. Through five distinct strands, the council is aiming to address the root causes of attendance, one of these being, 'safeguarding and long-term absence'.
2. A task and finish group chaired by the Education Improvement Officer for Attendance comprised of representatives from the School Attendance Team, Social Care, Legal, Schools (Head/Deputies/school practitioners) and the Education Safeguarding Officer. The group met on four occasions between April and June 2016 to compile the following Educational Neglect definitions and statutory pathways.
3. The link between neglect and poor school attendance has been articulated through 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 social care services should work with schools to address underlying difficulties'.¹ 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.²
4. The statutory response from the council regarding this issue is systematic and well evidenced. There were over 100 prosecutions relating to school attendance in 2014/15. What was of concern to the group was the extent of recidivism and repeated court appearances regarding the same pupil and/or involving the same parents. This, coupled with the borough often showing the poorest attendance in the country, focussed the group's attention on being able to highlight those for whom behaviour was not changing over a period of time.
5. The group felt it would be most useful to develop 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 as well as 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. For it to be used in our local context, the group hoped it could be a descriptor that, on a continuum of need, demonstrates a critical state beyond the 'persistent absence' definition currently used across the country.
6. In constructing the term for the Knowsley context, the group's intention was not to necessarily increase the traffic of social care referrals. Indeed, a number of young people that fail to attend school regularly are already on the caseload of both Social Care and the School Attendance Service. The purpose is to create a descriptor that highlights the critical educational and life implications relating to that 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 12 month period has elapsed in which certain thresholds have been met.
7. The term has already been included as a Level 4 Threshold of Need indicator in Knowsley's Guidance, published earlier this year.

¹ Improving Attendance at School, Charlie Taylor – Department for education Report 2012

² 'Role of Schools, academies and colleges in addressing neglect – NSPCC 2013



EDUCATIONAL NEGLECT DEFINITIONS

Certain risk factors necessitate immediate referral to the Multi Agency Safeguarding Hub (MASH). 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, including use of the early help framework.

‘Working together to safeguard children’ provides a neglect description, ‘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**’, and this forms the basis of the following definitions. ‘Educational Neglect’ now appears as a level 4 indicator in Knowsley’s Threshold of Need guidance.

1. DEFINITION OF EDUCATIONAL NEGLECT (OMISSION BY PARENT)

Educational threshold for ‘persistent failure’ requires all of the following to be met over a twelve month period:

- 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 i.e. Section 444/4441A prosecution or School Attendance Order or Education Supervision Order.

Educational threshold for ‘serious impairment of development’

- Primary aged children where school attendance is 75% or less over an academic year (three terms), as this halves the possibility of achieving Level 4, the recognised average level for a child at the end of KS2 (2013/14 national research).
- Secondary aged young people where school attendance is 75% or less over an academic year (three terms), as this means the young person 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 KS4 (2013/14 national research).

The Knowsley definition for Educational Neglect has been met if there is evidence for both thresholds. Providing this, as part of a MASH referral, should necessitate a Social Care assessment.

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:

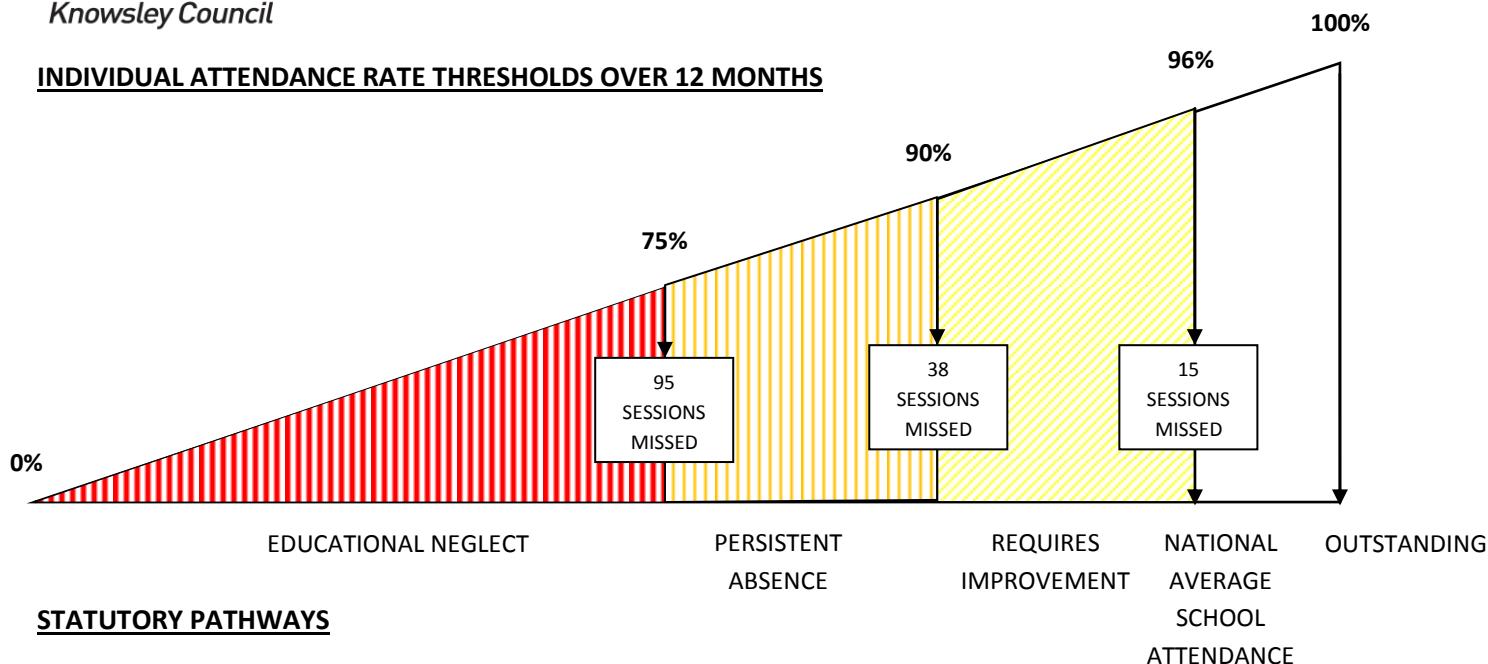
- parental co-operation is clearly demonstrated;
- current educational provision is appropriate for the young person’s needs; and
- attendance levels are as identified above (threshold for serious impairment of development).

Should these thresholds be met, the LA School Attendance 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 duty for a Social Care assessment, following a MASH referral.



EDUCATIONAL NEGLECT DEFINITIONS AND STATUTORY PATHWAYS

INDIVIDUAL ATTENDANCE RATE THRESHOLDS OVER 12 MONTHS



STATUTORY PATHWAYS

EDUCATION PENALTY NOTICE (Administered by Local Authority)

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) (England) Regulations 2007.

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)

12 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’.