



Official Response

to the Government Consultation on

School Attendance: Improving consistency of support

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About this consultation

This consultation document seeks views on four proposals to build on schools, trusts and local authorities' existing work on attendance and improve consistency of attendance support for families across England through better, more targeted multi-agency action for the pupils who need it most:

- 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 on attendance management and improvement.
- Introducing guidance on the expectations of local authority attendance services.
- A clearer more consistent national framework for the use of attendance legal intervention, including a new regulatory framework for issuing fixed penalty notices for absence.
- Bringing the rules for granting leaves of absence in academies in line with other state funded schools.

These proposals are intended to deliver greater consistency of support for families across England and focus better, more targeted multi-agency support on pupils who need it most.

The Secretary of State also intends to modernise the underlying regulations (the Education (Pupil Registration) (England) Regulations 2006, as amended) that govern the keeping of attendance and admission registers, granting leaves of absence and sharing of attendance information by schools with local authorities and a separate consultation and draft regulations will be published in due course.

Furthermore, but out of scope of this consultation, the Secretary of State remains committed to a registration system for children not in school. The system will help local authorities undertake their existing duties to ensure children receive a suitable education, as well as help safeguard all children who are in scope. We will be setting out further details on this in our upcoming response to the Children Not In School consultation, which will be published in the coming weeks.

Proposal 1: 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 on attendance management and improvement.

Questions on proposal 1:

1. Do you agree that all schools should be required to publish an attendance policy?

Neither agree nor disagree

If you wish to, please explain why in no more than 200 words

As with any policy it is vital that it does not exceed its remit and have any negative or unintended consequences. For example, it is essential that the whole school community feel included and supported by any strategy and that no group feels unreasonably targeted.

Most schools already have an attendance policy but it is more important to have a successful approach to improving attendance than a written document, which may only serve to increase bureaucratic burdens. Schools with the most effective attendance strategies have strong relationships with their community, and there is concern that these proposals seem aggressive and antagonistic, potentially undermining support from parents and potentially dooming them to failure.

Broadly speaking the identified principles direct schools to address the key issues affecting attendance, but any policy approach must be flexible to reflect the different circumstances that each school serves. Therefore, national guidance must encourage recognition of and take into account, these local variables. It will be equally vital that any policy be regularly reviewed especially in the introductory and development stages.

2. Are the proposed principles to be covered in school policies (outlined on page 8) sufficient to improve the consistency of attendance support that pupils and parents receive?

Somewhat sufficient

If you wish to, please explain why in no more than 200 words

As mentioned previously, the identified principles are broadly appropriate for many settings. It is entirely appropriate for a setting to have clear expectations of attendance, and for there to be day-to-day processes to manage this. However, is this really about supporting families and schools or punishing non-attendance?

In order to support pupils and families there will always need to be flexibility. An approach which is effective in one school might not have the desired impact elsewhere. Each school is different, and each local area has its own issues and characteristics. Therefore, a school policy needs to take account of these local variables and ensure that the policy does not unintentionally set pupils and their parents and carers, up to fail.

3. Do you agree that minimum attendance management expectations should be set for academy trusts and governing bodies of maintained schools?

Strongly disagree

If you wish to, please explain why in no more than 200 words

A hard data target is completely the wrong approach. Many issues which affect attendance are outside of the remit of an individual school and this is acknowledged in the consultation paperwork. But it is Voice Community's view that minimum attendance expectations seek to appoint blame onto schools for these issues which are outside of their control. This will mean that schools are subject to accountability measures outside their sphere of influence. This in turn is likely to lead to an increase in the number of pupils excluded or otherwise removed from roll in order that schools can maintain their attendance levels.

Alternatively, schools need to be given access to the necessary specialist resources to support families to improve attendance. This will take time and engagement with a wide range of social and medical stakeholders in order to understand and address the underlying issues. Seeking to vilify a child because of poor attendance is wholly unacceptable.

4. Are the proposed expectations for academy trusts and governing bodies of maintained schools (outlined on pages 9 and 10) sufficient to improve the consistency of attendance support and challenge schools receive?

Unsure

If you wish to, please explain why in no more than 200 words

Voice Community note that academy trust boards and governing bodies of maintained schools are expected to have the same function in this process.

<p>Proposal 2: Introducing statutory guidance on the expectations of local authority attendance services.</p>
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Questions on proposal 2:

5. Do you agree that a minimum set of components for LA attendance services should be set?

Neither agree nor disagree

If you wish to, please explain why in no more than 200 words

As is identified in the consultation booklet there is wide variation in the services and access to support provided by local authorities meaning there is wide variation in the support offered to schools and parents.

LA support has been a victim of funding cuts. The experience of many schools and families is that the support is not there when it is needed, or there is an unacceptable waiting period before accessing much needed help. This is unacceptable but there is little to be gained by apportioning blame.

LA Attendance and Welfare Officer funding has been cut so who will go to find the pupils? What is needed is proper funding for trained and knowledgeable staff – secure in post, without risk that they will be victim of the next round of funding cuts or austerity measures. Only then will schools and academies have the confidence that LA services will have the effect they desire. Without this assurance, schools and academies will continue to divert their own meagre funds into solving a ‘problem’, rather than providing the necessary support.

6. Are the proposed components for LA attendance services (outlined on pages 13 and 14) sufficient to improve the consistency of attendance support which pupils, parents and schools receive?

Somewhat sufficient

If you wish to, please explain why in no more than 200 words

Voice Community has concerns with the priorities inherent within the list of proposed attendance components as it is presented. We are hugely supportive of LA teams having regular conversations with schools to agree access to services and having this support quickly through the application of dedicated early support for the whole family has the potential to be transformative. We know that individual children’s barriers to attendance often go far beyond the school gates and that persistent absenteeism is almost always a symptom of wider problems, and therefore early support is crucial.

However, the fact that the first identified priority does not mention people, but has a data and tracking focus, suggests that these proposals risk failing to hit the mark. As with any policy which concerns the nuances of family life and human behaviour, not everything can be distilled into neat data, and a focus on data risks missing some of those who desperately need support. Similarly, if the only reason for regular conversations with schools is to discuss absence data rather than to offer support, the motivation to engage with the process may quickly wane rendering the process null and void.

Proposal 3: A clearer more consistent national framework for the use of attendance legal intervention, including a new regulatory framework for issuing fixed penalty notices for absence.

Questions on proposal 3:

- 7. Do you agree that a national framework for the use of attendance legal intervention, including a new regulatory framework for issuing fixed penalty notices for absence should be set?**

Neither agree nor disagree

If you wish to, please explain why in no more than 200 words

As it stands, the law provides a range of 'parental responsibility measures' to forcibly improve attendance, including parenting contracts, parenting orders, education supervision orders, fixed penalty notices and ultimately prosecution. These are 'sticks', but there needs to be a range of mandatory supportive options before resorting to legal intervention. Unfortunately, this sort of action is usually more costly in terms of time than simply applying a penalty notice and so attendance issues are criminalised.

There may be a benefit to revised guidance on enforcement and yes, there does need to be a legal backstop that is consistently applied, however, the key here is early intervention to prevent legal action from being required.

- 8. Are the proposed areas for inclusion in the new regulatory framework for fixed penalty notices (outlined on page 18) sufficient to improve the consistency of them being issued?**

Somewhat insufficient

If you wish to, please explain why in no more than 200 words

Voice Community is pleased to note that the consultation makes specific reference to the need to improve access to support from LAs and for this to be joined up across LA services. We are similarly mollified that the Secretary of State intends to underline the importance of supportive approaches being explored first. We are clear however, that this will require significant funding and investment into services which have been first cut to the bone, and then cut more.

As has been previously mentioned, it is inappropriate to hold schools and academies to account for issues outside of their control and similarly it is inappropriate to penalise parents when promised support services are simply unavailable. It is vital that the situation is addressed before any regulatory or legal framework is brought into force. Therefore, Voice Community is extremely concerned at the tone of this proposal without outlining the financial support to make it possible.

Proposal 4: Bringing the rules for granting leaves of absence in academies in line with other state funded schools.

Questions on proposal 4:

9. Do you agree there should be consistency in the rules around granting leaves of absence across all state funded schools?

Strongly agree

If you wish to, please explain why in no more than 200 words

It is of vital importance that pupils and parents experience a consistency in approach across all state funded schools. This is especially important where decisions are at the discretion of Head Teachers across different settings. We note that the Regulations and the accompanying DfE guidance do not currently apply to academies meaning that parents with children in different schools within a local area could experience a confusing and inconsistent result to any request for time off in exceptional circumstances.

We are pleased that the consultation acknowledges that schools know their pupils better than the DfE and remain best placed to make judgements on a case-by-case basis. We would appreciate further examples and case studies to encourage greater consistency of approach, however it is essential that these remain guidance and exemplar and do not form any checklist nor expectation now or in the future.

Public Sector Equality Duty

Under the Equality Act 2010, the public sector equality duty requires public authorities to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The 'protected characteristics' for the purpose of this duty are:

- Age (although a statutory exemption applies for school policy)
- Disability
- Gender Reassignment
- Marriage and Civil Partnership (although this is only relevant in relation to eliminating unlawful discrimination, harassment and victimisation)
- Pregnancy and Maternity
- Race (including ethnicity)
- Religion or belief
- Sex
- Sexual orientation

Questions on the equalities impact:10. What do you consider to be the equalities impacts of the proposals on protected characteristics (mentioned above)?