

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

EDUCATION AND LIFELONG LEARNING SCRUTINY COMMITTEE

Minutes of the meeting of the Education and Lifelong Learning Services Scrutiny Committee held at the County Borough Council Offices, The Pavilions, Clydach Vale on Wednesday 11th June, 2014 at 5pm.

Present:

County Borough Councillor (Mrs) C Leyshon – in the Chair

County Borough Councillors:

M Adams	(Mrs) A Calvert	A L Davies (MBE)	J Elliott
P Jarman	(Mrs) S Jones	R Lewis	B Morgan
G Smith	B Stephens	G Thomas	C Williams

Co-Opted Members:-

Mr J Horton – Parent Governor
Mr J Fish – Parent Governor
Ms S Sevany – Parent Governor
Mrs C Jones – National Union of Teachers & Teachers panel
Mr M Cleverley – NASUWT and Teachers Panel

Officers in Attendance:

Mr C Bradshaw - Director, Education & Lifelong Learning
Ms J Allen – Education Partnership co-ordinator / Consortium Attendance Strategy Lead.
Mr P Nicholls – Principal Solicitor, Litigation

1 APOLOGIES

Apologies for absence were received from County Borough Councillors, (Mrs) J Bunnage, S Evans-Fear, M Griffiths, L Walker and co-opted Members Mr C Jones and Mr D Price.

2 DECLARATION OF INTERESTS

In accordance with the Code of Conduct, there were no personal declarations of interests made, pertaining to the agenda.

3 MINUTES

RESOLVED: - to approve as accurate records the minutes of the Education & Lifelong Learning Scrutiny Committees on the 2nd April, 2014 and 9th April, 2014.

4 CHAIRMAN'S REMARK

The Chairman advised the Committee that Mr A Minton, the NASUWT member on the Committee had recently retired and the Chairman took the opportunity to welcome Mr M Cleverley to the meeting, who would be taking over Mr Minton's role.

The Committee **RESOLVED** that a letter of thanks be sent to Mr Minton, to thank him for his contributions at Committee and Scrutiny Working group reviews and to wish him a happy retirement.

5 INTRODUCTION OF FIXED PENALTY NOTICES FOR NON-ATTENDANCE AT SCHOOL.

The Education Partnership co-ordinator presented Members with the report which advised of the introduction of the Education (Penalty Notice) (Wales) Regulation 2013 and the use of Fixed Penalty Notices (FPNs) for non attendance at school. The officer continued by advising of the consultation process being undertaken which sought views on the adoption of a consistent Local Authority approach to the un-authorisation of absence from school.

The Education Partnership Co-ordinator referred Members to the draft Code of Conduct for issuing FPNs within Rhondda Cynon Taf, which was contained within the report and advised that this had been produced in line with the Welsh Government requirements. The officer also advised that the Central South Consortium's 'Attendance Strategic Network Group's' key priority was to agree a regional approach to FPNs with an accompanying Code of Conduct to assist with the implementation of the legislation. It was added that subject to individual local authority approval, this would enable the legislation to be consistently applied across all five neighbouring local authorities.

Members of the Committee were provided with information in relation to the proposed use of FPNs within Rhondda Cynon Taf and further detail of the 'next steps' within the consultation process, with Members being informed that an amended Code of Conduct would be presented to Cabinet for approval following analysis of the consultation feedback.

The Chair thanked the officer for the report and opened the item for discussion.

One Member queried whether there was any evidence base to illustrate whether the issuing of FPNs for non school attendance was a successful mechanism to utilise. The Education Partnership Co-ordinator advised that this process had been implemented within England over the last 2 years and that there was evidence to illustrate its positive effects on school attendance. The Officer commented that it was the intention, that once implemented within Wales and following an embedding period a report would be produced to illustrate whether the FPN's were having an effect on school attendance, which could be presented to the Committee.

Following a query the officer also clarified the process with issuing the FPN's and the 15 day improvement period, which was felt to be a sufficient time period for a pupil to illustrate an improvement. It was confirmed that if there was no improvement then full payment of the FPN would be needed.

One member queried the awareness raising methods to be used to publicise the FPN to pupils, parents and guardians, questioning whether it was only to be published within each schools Attendance Policy. The Education Partnership Co-ordinator advised that details of the FPNs would be incorporated within School's Attendance policies and the Director, Education & Lifelong Learning advised that at Local Authority level, a publicity campaign would be taken forward across the 5 Authorities across the Consortia, to allow the introduction of FPNS to be fully publicised.

One member of the Committee spoke of his concerns with the introduction of FPNs, commenting that this type of address was treating the symptom but not the cause, commenting on the waste of financial resources introducing the scheme. The officer reiterated that this was a Welsh Government requirement on all local authorities, following the introduction of the Education (Penalty Notice) (Wales) Regulations 2013, commenting that a mechanism for FPN needed to be in place by September 2014. The Officer added that the intention was that the requirements would assist with inconsistent condoned absences by parents, such as Birthday day absences, long weekend absences, although it was not intended that the new legislation for FPNs would be used as a response to entrenched non attendance. The Member commented that although he understood the aims of the requirements, with improving attendance he felt that this method could potentially alienate pupils, and an incentive system would be a preferred method. The Director, Education & Lifelong Learning referred to the good work already taken forward in relation to Attendance and commented that the FPNs would simply be another tool to potentially use, although he commented that it was hoped that this would never be utilised. The Director added that the Code of Conduct document was a common sense approach and added that time would tell whether this was a successful tool.

Another member of the Committee disagreed with previous comments and commented that the FPNs would encourage responsible parenting and added that he felt the FPN fine was too low, and would not prevent parents from booking holidays during term time due to the lower holiday prices available during term time. The Member queried who would initiate the FPN and also queried the fine process, querying whether the payment could be paid in instalments and where the money for the fines were going.

The Education Partnership co-ordinator advised that the vast majority of FPNs would be taken forward through the schools request. It was also confirmed that paying fines through instalments was not an option that could be taken forward. Members of the Committee spoke of their concerns that this option was not available to parents commenting that RCT was not an affluent area in comparison to the other Authorities within the Consortia.

One Member spoke of the entrenched cases witnessed across the Authority in respect of poor attendance and questioned what systems were in place to assist such pupils, if FPNs were not to be utilised in this area. The Education Partnership co-ordinator advised that in respect of entrenched cases, ongoing work with the Attendance & Wellbeing Service (AWS) would help both the child and family to overcome barriers to help with re-engagement.

The member proceeded to comment on the 'review and reporting' section within the Code of Conduct and queried on the practicalities of the Education & Lifelong Learning Scrutiny committee receiving regular updates on a quarterly basis. The Director, Education & Lifelong Learning confirmed that this information could be incorporated within the Committees Quarterly Exception and Budget reporting arrangements.

Members of the committee continued to query the payment options available to parents who were unable to pay the fine and questioned the process when there were attendance problems for more than one child within the same family. The Officer advised that in such scenarios, the AWS would encourage schools to use other avenues of intervention to address the problem.

The Education Partnership Co-ordinator was queried on who was responsible for determining which parent the FPN should rest with, in respect of split parent families and the Committee were advised that this would rest with the school as they would know the most appropriate person, although it could be given to both parents.

Following a query regarding the issuing of FPN's for those children not attending school at the end of the summer term due to holidays, it was clarified that in such instances the formal warning letter and 15 day improvement period would not apply and the FPN would automatically be issued. Members commented that this message needed to be strengthened within the Code of Conduct.

Members of the Committee also questioned what the general responses received during the consultation process had been and the Education Partnership Co-ordinator advised that she was still in the process of collating the consultation responses, although the vast majority were happy with the code of conduct and understood its intention, with a positive 55% response to supporting a zero tolerance approach to authorising holidays in term time. The Committee were reminded that their comments from the day's meeting would also be utilised as part of the consultation process and would be fed back to Cabinet in July.

The action taken when a parent is unaware that their child is missing school was also queried, and the officer commented on the role of the AWS, who would work with the family in such situations.

One member of the Committee commented upon the number of exceptions included within the Code of Conduct before a FPN could be issued, and commented on potential problems with Head Teachers having the discretion

to decide whether an absence is authorised or not, problems with policing of 'sickness' and also commented that FPNs would affect less affluent families and questioned the potential outcomes for non payment of the fine. The Principal Solicitor provided clarification on non payment of fines and advised that it would be open to the Court to impose a custodial sentence. Members commented on those families in hardship which would not be able to pay the fines and some members commented that in their opinion the Local Authority or Head Teacher should have the discretion to withdraw the FPN once issued.

The Director, Education & Lifelong Learning commented that there were issues with FPNs that hadn't been overcome in England, commenting that some holiday companies within England were offering to pay the fines as an extra incentive for families booking holidays during term times. The Director continued that the proposed Code of Conduct was equitable across the 5 Authorities within the Consortium, capturing the essence of the regulations and commented that until the Code of Conduct was implemented there would be uncertainties with its practicality. The Director referred to the issues identified within section 4 of the Code of Conduct and queried whether there should be discretion for Head Teachers to decide whether absences are authorised or not, and welcomed the Committees view on this area.

One member of the Committee spoke of the positive work of the Authority in improving attendance and commented on the work of the Scrutiny Attendance Working Group and the resulting 32 recommendations, and the improved attendance noted over the last couple of years within the Authority. The Member spoke of her concerns with the implementation of FPNs and the lack of evidence to illustrate the improvement in attendance through the measure. The Member referred officers attention to The Education (Pupil Registration) (Wales) Regulations 2010, section 7(3) highlighting that a pupil may be granted leave of absence from the school to enable a pupil to go on holiday, although cannot be granted more than ten school days by an authorised person of the school, therefore questioning whether Head teachers discretion could be removed. The Member continued by querying where the money collected for the FPNs would go, commenting that scheme was meant to be self financing with any surplus to go back to the Welsh Government. The Member also addressed the issue of payments of fines and the need to evidence that the Council has taken into consideration the anti poverty strategy in conjunction with the Code of Conduct and the need for an easy pay scheme to be available on the basis of hardship.

Following queries in respect of revenue from FPNs The Director, Education & Lifelong Learning advised that further clarity would be sought on whether the revenue could be retained by the Local Authority to support the administration of the penalties or whether this would go directly back to the Welsh Government.

The Director also spoke of the evidence available within England to illustrate the positive increase in attendance since the introduction of the FPNs and advised the Committee that legal guidance would be sought in respect of s7(3), and clarification whether this was discretionary for the Head Teacher.

Members of the Committee spoke of the potential variation across schools with the view of authorised and unauthorised attendance due to Head Teachers discretion. One member commented that in his opinion the removal of headteacher's discretion would be a detrimental step.

In respect of HeadTeacher discretion one member of the Committee spoke of the mixed opinions he had received from Head Teachers regarding this aspect and commented that the exceptions to the rule identified within the code of conduct needed to be further developed and spoke of the need for a consistent and equitable approach.

A member of the group commented on the reasons why parents took children out of school for holidays during term time, not only because of lower holiday prices, but also spoke of the problems encountered by some working families, in trying to get leave from work during the school holidays, due to other working families similar leave requests.

The issue of Headteacher discretion was again referred to by committee members and its importance, and the Officers were queried as to how much funding had been allocated to the scheme? The Education Partnership Co-ordinator advised that he costs would absorbed within the AWS, with the cost of the service being determined as the scheme is rolled out, although the officer commented that she did not expect there to be a short fall in funding. The officers were queried further whether any baseline analysis had been undertaken in advance of the implementation, and the Education Partnership Co-ordinator advised that no figures had been produced, as it was down to individual circumstances and Headteachers discretion.

Members again commented on the potential inconsistencies with attendance due to Headteacher discretion and the Director, Education & Lifelong Learning commented on the current inconsistency with attendance register coding, which would also need to be addressed to ensure a consistent picture across the Authority.

Other members took the opportunity to speak positively about the introduction of the FPNs, commenting that this was a further tool in the armoury that would assist with getting children back into school and improving attainment.

Following the discussions the Chairman thanked the Members for their detailed scrutiny of the FPNs and the Committee **RESOLVED:**

- a) To note the information contained within the report
- b) That the comments provided by the Committee form part of the consultation feedback to be reported at a future cabinet meeting
- c) That the Education & Lifelong Learning Scrutiny Committee receives updates on the issuing of FPNs on a quarterly basis.
- d) That the impact of the implementation of the FPNS be reviewed on an annual basis and the outcomes of the review to be reported to the Education & Lifelong Learning Scrutiny Committee

(Mrs) C Leyshon
Chairman

The meeting closed at 6.30pm

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