



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE**

16th FEBRUARY 2022

'Fixed Penalty Notices' (FPN) WORKING GROUP

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &
COMMUNICATIONS**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide Members of the Children & Young People Scrutiny Committee with the findings of the Scrutiny Working Group, which was established to deal with Fixed Penalty Notices ('FPN') in Education following a [report](#) from the Director of Education at its meeting held on the 21st November 2018.

2. RECOMMENDATIONS

- 2.1 It is recommended that Members acknowledge the findings and recommendations of the Working Group following its review of 'Fixed Penalty Notices' between November 2018 to January 2020, as set out at Appendix A.

3. BACKGROUND

- 3.1 At the meeting of the Children & Young People Scrutiny Committee held on the 21st November 2018, Scrutiny received a report from the Director of Education in respect of Fixed Penalty Notices for regular non-school attendance scheme to date. This included an overview of the national and local context, local Fixed Penalty Notices trends over the three academic years that the scheme has been in existence, an analysis of the short term impact on individuals and whole school attendance rates. The report provided a platform for Members to scrutinise the data and offer suggestions for any future Code of Conduct issued to manage the scheme.
- 3.2 Following consideration of the report, Members **resolved** to establish a Working Group to look at how the Council could improve attendance rates year on year in order to secure the best outcomes for pupils ([minute 21 refers](#)). Subsequently, nominations were sought from the Children and Young People Scrutiny Committee for those Members who wished to sit on the Working Group and it was agreed that the inaugural meeting would be held on the 8th May 2019.

3.3 The Working Group Members comprised of County Borough Councillors S. Rees-Owen (Chair), M. Griffiths, S. Powell, S. Evans and Co-opted Member Mr J. Fish.

3.4 At its inaugural meeting, Members of the Scrutiny Working Group were provided with a detailed account of the current position and processes in place across all schools in RCT relating to FPNs, when and how they are issued, what triggers a FPN and the steps that need to be followed by schools prior to requesting a FPN. Members agreed that there was value in establishing a Working Group to: review the issue of FPNs in greater detail; understand the issues previously raised; consider practical limitations and resources; and to establish whether the current policy is the best fit for RCT.

4. FINAL REPORT OF THE SCRUTINY WORKING GROUP

4.1 Attached is the final report of the Working Group, which contains the findings and recommendations of the review that was undertaken between November 2018 to 27th January 2020.

4.2 Urgent business needs arising out of the Covid-19 Pandemic meant that these findings and recommendations could not be reported back to Scrutiny in the usual timeframe.

4.3 Consequently, Members of the Working Group re-convened on the 10th November 2021 to review the findings and recommendations. The Working Group **resolved** that the original recommendations should remain and that the work should be treated as an historical piece relevant to its review between November 2018 and January 2020.

5. CONCLUSION

5.1 The review of the issues surrounding 'Fixed Penalty Notices' has culminated in the recommendations listed in the attached Working Group report, which will allow Members to form an evidenced based view on this important matter.

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1 Equality and diversity implications will be considered as part of the Working Group's recommendations and any subsequent implementation arrangements.

7. CONSULTATION

7.1 A consultation was undertaken with Head Teachers and School Staff Members throughout the County Borough, as referenced in the attached report.

8. FINANCIAL AND RESOURCE IMPLICATIONS

8.1 Financial and resource implications will be considered as part of the Working Group's recommendations and any subsequent implementation arrangements

9. LINKS TO THE COUNCILS CORPORATE PLAN AND FUTURE GENERATIONS – SUSTAINABLE DEVELOPMENT

- 9.1 The proposals in this report are consistent with the priorities of the Council's Corporate Plan, in particular "Ensuring People: are independent, healthy and successful"
- 9.2 The outputs of the Strategy will also assist the Council contribute to the Wellbeing goals that 'The Wellbeing of Future Generations (Wales) Act 2015' has put in place:-
- A prosperous Wales;
 - A globally responsible Wales; and,
 - A more Equal Wales

**LOCAL GOVERNMENT ACT 1972
as amended by**

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Children & Young People Scrutiny Committee**

Fixed Penalty Notices ('FPN') Working Group Report

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &
COMMUNICATIONS**

16th February 2022

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RHONDDA CYNON TAF

**ADRODDIAD Y GWETHGOR CRAFFU
REPORT OF THE SCRUTINY WORKING GROUP**

**GWERTHUSIAD O'R HYSBYSIADAU COSB BENODEDIG A GAIFF
EU CYFLWYNO I DDISGYBLION SY'N COLLI YSGOL YN
RHEOLAIDD**

**EVALUATION OF FIXED PENALTY NOTICES ISSUED FOR
REGULAR NON- SCHOOL ATTENDANCE**

Every day

COUNTS!



**School success starts
with attendance**



FOREWORD

From the very start, the Children & Young People Scrutiny Committee recognised the importance and responsibility that came with this scrutiny review. School attendance is of great importance, as attendance is a key requirement to increasing standards of educational achievement and Fixed Penalty Notices (FPNs) are linked to improving attendance and reducing absenteeism. It was with this responsibility in mind that as Chair I welcomed the opportunity to explore what impact the implementation of FPN's has had on Attendance & Wellbeing across the County Borough.

School Attendance across Rhondda Cynon Taf is one of the lowest in Wales and it is clear that improving school attendance has become a priority for the Local Authority and many of the schools in our County Borough. This has made our work even more relevant and we have consulted with many stakeholders along the way to ensure we conducted our research in a thorough and proper manner.

From conducting the review, we have noted that the reasons for poor school attendance vary from pupil to pupil and that the use of FPN's also vary between schools in the County Borough. Our review noted that the current Welsh Government guidance allows schools the flexibility to say if they want to implement FPNs and that this can often lead to disparity between schools in the County Borough, which subsequently leads to ill feeling between the parent, head teacher and Local Authority. School Attendance is not simply the responsibility of schools and the Attendance and Wellbeing Service but a shared responsibility between a range of partners and organisations and, most importantly, parents/guardians. It is clear that more needs to be done to witness significant improvement in this area and that attendance policies need to meet the needs and ethos of the individual school, pupils and families.

I would like to thank all Members of the Working Group and Officers for their diligence, dedication, passion and valuable input into this Working Group review over the last eight months. As a group, we are confident that our findings and recommendations will improve the current situation with a positive impact for parents and pupils of the County Borough and for our future generations. I would also like to thank the Head Teachers and their staff for providing the group with their views and expertise and I hope they, along with others, will find the Working Group report useful to assist them in using FPNs to increase school attendance and in turn to increase standards of educational achievement for the children of Rhondda Cynon Taf and our future generations.

The production of this report is by no means the end of the process. Scrutiny will continue to work towards increasing school attendance by monitoring the recommendations contained within the report and also seeking out new opportunities to make a difference. There is already a strong commitment within Rhondda Cynon Taf to improve school attendance. One of the core aims of the Children and Young People's Scrutiny Committee and a key priority for the Local Authority is educating young people and increasing standards of educational achievement which requires good attendance. Furthermore, the introduction of new [legislation](#) will provide further opportunity for scrutiny to assist in policy development over the coming months.

County Borough Councillor S. Rees-Owen

Chair

MEMBERSHIP

The Working Group comprised of the following Members of the Children and Young People Scrutiny Committee:-



Cllr S. Rees-Owen (Chair)



Cllr S M Evans



Cllr M Griffiths



Cllr S Powell



Co-opted Member, Mr J Fish

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INTRODUCTION AND TERMS OF REFERENCE

During the Children & Young People Scrutiny Committee on the [21st November 2018](#) Members resolved that a scrutiny working group be formed to scrutinise School Non-Attendance Fixed Penalty Notices (FPNs) and their impact on improving attendance and decreasing absenteeism.

At its inaugural meeting on the 8th May 2019, the Working Group agreed the following Terms of Reference and scope of the review:-

Aim of the Review: -

'To explore what impact the implementation of issuing School Non-Attendance Fixed Penalty Notices (FPN's) has had on Attendance & Wellbeing'.

Key Questions:-

1. School Attendance across Rhondda Cynon Taf is one of the lowest in Wales, yet we have some of the best performing schools in Wales. What do you consider to be best practice and what would be effective across all schools in the County Borough?
2. How do we make parents more accountable for school attendance?
3. How do we make schools, Head Teachers and the Governing Bodies more accountable for school attendance?
4. Is the Education Welfare Service efficient and effective in supporting schools to reduce unauthorised absence?
5. What should be our priority actions to improve the current attendance rates?

Scope - This will be done by:-

- Considering the policies and procedures prevalent to school attendance;
- Considering the statistical information and performance information for Schools within RCT in respect of school attendance;
- Considering the roles and measures taken by Schools, the Council and Parents to improve attendance;
- Considering any absence trends;
- Examining the extent to which good practice is identified and shared with all schools; and,
- Consultation with stakeholders.

Proposed Stakeholders:

Pupils/Teachers/Parents/Governing Bodies/Local Authority Officers/Courts.

METHODOLOGY

Members received the following information:-

Members of the Working Group were provided with an overview of the key issues relating to the background to School Non-Attendance Fixed Penalty Notices.

The Working Group were reminded of the processes and policies in place since the [Education \(Penalty Notices\) \(Wales\) Regulations 2013](#) came into force locally in 2015. It brought with it a 'zero tolerance' stance from the Local Authority, which encouraged schools to adopt the same approach. Head Teachers were encouraged to only authorise requests in 'exceptional circumstances' in an effort to reduce school absence and increase educational attainment. Furthermore, proposals were agreed by Cabinet that the 'exceptional circumstances' were to include:-

- Families of serving armed forces;
- Families with a member experiencing a life limiting illness; and
- Families suffering an acute trauma.

A move away from the zero tolerance position was made in late 2015 following additional Welsh Government guidance where it was considered inappropriate to use the term which was removed from all correspondence. However, it was advised that FPNs should continue to be used as a useful tool in schools to encourage attendance and prevent entrenched absenteeism. The process has also provided the Local Authority with an opportunity to develop a sustainable process to address absences from school. The revised Code of Conduct was implemented in 2017 to make it more user friendly by removing all that was considered unnecessary, such as any jargon.

Members were provided with a detailed account of the current position and processes in place across all schools in RCT relating to FPNs, when and how they are issued, what triggers a FPN and the steps in place to be followed by schools in advance of requesting a FPN.

Members of the Working Group also considered the following in-depth desktop research:

- Attendance data for 2018/19;
- Comparative data between attendance and FPNs for a range of schools within the County Borough (*Appendix 1* refers);
- Data relating to learners eligible to FSMs and with ALN prior to the issue of FPN and more recent datasets;
- Comparative data with other countries as to how they tackle non-school attendance to see if there are more effective ways of addressing this issue and (*Appendix 3* refers); and
- The report of the Welsh Government titled '[Evaluation of Fixed Penalty Notices issued for Regular Non- School Attendance](#)' the final publication of the report is due imminently).

On the 13th November 2019, Head Teachers, Deputy Head Teachers, Attendance and Wellbeing Officers along with members of School Governing Bodies attended a

meeting of the Working Group. Members felt the Working Group would benefit from hearing the views of Head Teachers, Attendance & Wellbeing Officers and Members of School Governing Bodies to get a clearer picture of FPN processes and its management, and to understand their concerns.

The meeting included a mixture of school staff, as noted below:-

- Nathan Prygodzicz, Deputy Head Ysgol Nantgwyn;
- David Williams, Headteacher, Parc Primary;
- Huw Dowden, Deputy Headteacher, Mountain Ash Comprehensive School;
- Rhian Poacher, Headteacher, Penrhys Primary; and
- Jeanette Loveridge, Headteacher, Coedpenmaen Primary School.

The Working Group's thanks are conveyed to each of the Head Teachers and their staff for taking the time and effort to meet with the group to discuss school attendance and FPNs and in turn, providing the group with valuable information and examples of good practice. The Group would also like to thank the Attendance & Wellbeing Service for their contributions.

BACKGROUND

At the meeting of the Children & Young People Scrutiny Committee held on the 21st November 2018, Scrutiny received a [report](#) from the Director of Education and Inclusion Services reviewing Fixed Penalty Notices (FPN's) for regular non-school attendance. The report outlined the barriers facing the service area, particularly in respect of increasing school attendance and decreasing school absenteeism.

Scrutiny received an overview of the fixed penalty notices (FPNs) for regular non-school attendance scheme to date. This included an overview of the national and local context, local FPN trends over the three academic years that the scheme has been in existence, an analysis of the short term impact on individuals and whole school attendance rates. The report provided a platform for Members to scrutinise the data and offer suggestions for any future Code of Conduct issued to manage the scheme.

Following consideration of the report, Members **resolved** to establish a Working Group to look at how the Council could improve attendance rates year on year in order to secure the best outcomes for pupils ([minute 21 refers](#)). Subsequently, nominations were sought from the Children and Young People Scrutiny Committee for those Members who wished to sit on the Working Group and it was agreed that the inaugural meeting would be held on the 8th May 2019.

The Working Group Members comprised of County Borough Councillors: S. Rees-Owen (Chair), M. Griffiths, S. Powell, S. Evans and Co-opted Member Mr J. Fish.

At its inaugural meeting, Members of the Scrutiny Working Group were provided with a detailed account of the current position and processes in place across all schools in RCT relating to FPN's, when and how they are issued, what triggers a FPN and the steps that need to be followed by schools prior to requesting a FPN. Members agreed that there was value in establishing a Working Group to: review the issue of FPNs in greater detail; understand the issues previously raised; consider practical limitations and resources; and to establish whether the current policy is the best fit for RCT.

Fixed Penalty Notices and their impact on improving attendance and absenteeism

The Attendance and Wellbeing Service provides a challenge and support function for schools, reviewing and analysing attendance code data to target specific schools that have the following features:

- those that have not achieved their target attendance levels for the past three years;
- those that are considerably below their attendance level of the same period the previous year;
- those that have more than 5% of absence due to illness;
- those where there are high levels of unauthorised absence; or
- those where the local authority has concerns around the use of attendance codes.

Analysing this data alongside head teachers ensures attendance remains a priority for the school and is given a very high profile with pupils and parents.

On the 4th September 2019, the Scrutiny Working Group learned that when a school requests a FPN for 10 unauthorised sessions of absence or 10 unauthorised late sessions, the Attendance & Wellbeing Service issues the nominated parent or carer with a Fixed Penalty Monitoring letter stating that any further unauthorised sessions within a 3 week monitoring period will result in a FPN being issued. The Working Group learned that these monitoring letters have a 63% success rate in ensuring no further unauthorised absences in the monitoring period.

The Working Group were informed of the current barriers facing the Council in respect of enforcement and that the issuing of the FPN and the impact on attendance is difficult to ascertain (Appendix 2 refers). Members learned that the Council undertake spot-checks to gather this information.

The Working Group received the following data:

- For unauthorised holiday FPNs, the Council spot checked one person from each year group from 1 to 10 for the academic year 2017/18 and looked at attendance data for the 6 weeks prior to the holiday compared to the 6 weeks following the payment of the FPN. It was found that 5 of the 10 improved their attendance, 4 of the 10 declined in attendance and 1 remained the same.
- For an FPN issued for unauthorised absences, the Council spot checked one person from each year group from 1 to 10 for the academic year 2017/18 and looked at attendance data for the 6 weeks prior to the FPN being requested compared to the 6 weeks following the payment of the FPN. In this cohort, it was found that 7 improved their attendance whilst attendance for 3 declined.
- In respect of prosecutions, Members were informed that the Council used the details of 10 pupils across the statutory age range and monitored the attendance 6 weeks before referral for a FPN, and 6 weeks after the successful prosecution. In these cases, it was found that 9 pupils improved their attendance with just 1 pupil's attendance declining.

Outcome:

The Working Group recognised that FPNs are a useful tool to tackle absenteeism and agreed that the Local Authority should continue to use them alongside other strategies to improve school attendance and decrease absenteeism, as per recommendation 3 of the Working Group.

Variances across schools in RCT in respect to the issuing of FPNs

The Working Group discussed the variances across schools in RCT with respect to the issuing of FPNs. Members were informed that FPNs are at the discretion of the Head Teacher and are often debated within each school's Governing Body, which has led to a number of different approaches, including some schools choosing not to issue any FPNs.

Consideration was also given to the [Evaluation of Fixed Penalty Notices](#) issued for Regular Non-School Attendance (By Welsh Government) and future policy options. The Working Group agreed that there was a need for a standardised policy across Wales in respect of FPN's and absenteeism

Outcome:

The Working Group recognised that there was a clear need to adapt a standardised approach throughout Wales in respect of the issuing of FPNs and that a consistent approach would provide much needed clarity for parents and pupils within RCT, as per recommendation 4 of the Working Group.

Discussions with Head Teachers and Other Staff Members

On the 13th November 2019, the Working Group met with Head Teachers, Deputy Head Teachers and Governors from across the County Borough to seek their views in respect of FPN's and their impact on school attendance and absenteeism.

Initial desktop research was undertaken to evaluate the current procedures in place in respect of non-school attendance across the UK and beyond (Appendix 3 refers). These findings were used to formulate lines of enquiry with Head Teachers and Governing Bodies from across the County Borough.

Members of the Working Group formulated the following questions and agreed to use these as a baseline for the discussion:

- Do you believe Fixed Penalty Notices are an effective tool to tackle non-attendance? Can you give any evidence that you/your school has collected in relation to this?
- What, if anything, do you think should be changed about FPN's?
- Do you believe some FPNs are more effective than others i.e. holidays/monitoring?
- Evidence suggests that higher proportions of eFSM children and learners with SEN children receive FPN requests. Why do you think this is? Is this a consideration for you when asking for a FPN request? Would your request for an FPN be altered by this information?
- Do you issue FPNs to all pupils who meet the criteria or do you take other factors into consideration?
- Do you think issuing FPNs affects your relationships with families?
- Welsh Government are considering changes to FPNs. If the process was completely LA-led, would schools have a different view of FPNs? Similarly if schools received some of the income from FPNs, would your view change?

Some themes were common throughout the meeting but it was apparent that each school had individual problems and that there were clear variances between each school in respect of the issuing of FPNs; one Head Teacher commented that “*FPNs have seen a positive impact on attendance*”, whilst another Head Teacher noted that “*FPN’s have not helped us to meet the attendance target*”.

Following feedback, it was apparent that despite the procedural problems with FPN’s, school staff and Governors still wanted to use them as a tool to increase school attendance.

It was suggested by those present that improvements could be made to the ‘Monitoring Period’ of the FPN to include a review of the period during which a school can request an FPN and changes could be made to the amount of FPN’s that could be issued each year.

Head Teachers informed the Working Group that rewards in respect of good attendance should focus on each pupil’s individual improvement and that a ‘one size fits all’ approach cannot be adopted.

Head Teachers were also of the opinion that if the FPNs were to be issued directly by the Local Authority then this would considerably improve the relationship between the School and the Parent/Pupil although this is not possible under the current legal framework.

The feedback from those present was extremely beneficial and the Working Group would like to thank the Head Teachers, their staff and the School Governors for their dedication and for their commitment to working in partnership with RCT to address the issues of school attendance and school absenteeism.

Outcome:

Improving school attendance is a shared priority and schools must not work in isolation on this issue. The Working Group recognised that the Local Authority and Schools must work in partnership to tackle school absenteeism. The Working Group agreed that disseminating and consideration of best practice guidance can assist schools when developing their own approaches to improving attendance and the issuing of FPN’s, as per recommendation 5 of the Working Group.

Next Steps

A key priority for the Local Authority is educating young people and increasing standards of educational achievement. The Children and Young People Scrutiny Committee will continue to monitor attendance levels throughout RCT going forward. Furthermore, the introduction of new [legislation](#) will provide further opportunity for Scrutiny Committee to assist with this important issue. As per recommendation 6, the Children and Young People Scrutiny Committee will be involved in the review of the proposed new School Attendance Strategy due in September 2021 and will ensure that this important matter is included in the 2020-21 Children and Young People Work Programme.

Recommendations

The following recommendations were formed by the Working Group based on the research undertaken by the Scrutiny Working Group and feedback from Head Teachers, Deputy Head Teachers and Governors.

The recommendations were approved by the Working Group at its final meeting on the 27th January 2020.

1. For the Cabinet Member for Education and Inclusion Services to write to Welsh Government to request an update in respect of the 'Evaluation of Fixed Penalty Notices issued for regular non-attendance at school' and to obtain a potential date of publication.

In the absence of the above the Working Group recommend the following:-

2. AWS to review for implementation in September 2020, the Code of Conduct to include:
 - The use of mix coding;
 - The use of monitoring periods;
 - The number of FPNs that can be issued within an academic year;
 - The period during which schools can request a FPN; and
 - Flexibility to use FPNs.
3. All schools will review their attendance policy, including the use of FPNs during the autumn term 2020 and thereafter at least bi-annually. This will ensure that the policy:
 - supports the attendance requirements set by RCT; and
 - meets the needs and ethos of the individual school, pupils and families.
4. The Attendance and Wellbeing Service (AWS) will provide operational guidance and support to staff and Governors/Management Committees, ensuring that all schools/PRUs are advised of and understand their responsibilities for requesting FPN's.
5. It is highly recommended that the Attendance Link Governor and the Chairperson of the Governing Body undertake the Governor Attendance Training at least bi-annually, in line with the review of the policy. Governor Support to monitor.
6. Children and Young People Scrutiny Committee will be involved in the review of the proposed new School Attendance Strategy due in September 2021.
7. To re-visit the work and remit of this Working Group following the publication of the Welsh Government's guidance in respect of 'Fixed Penalty Notices'.

CONCLUSION AND OUTCOMES

The Working Group were asked to consider the issuing of School Non-Attendance Fixed Penalty Notices (FPN's) and their impact on increasing school attendance and decreasing absenteeism.

The Working Group acknowledged the procedures that were already in place and considered how to improve upon them.

The recommendations listed in this report have been formed as a result of the work undertaken by the Scrutiny Working Group, tasked with improving school attendance across RCT. Members of the Scrutiny Working Group are confident that the findings and recommendations will assist the Council to ultimately increase standards of educational achievement within the County Borough. Members of the Working Group acknowledged that policy development in this area will be dependent on the publication of the 'Evaluation of Fixed Penalty Notices issued for regular non-attendance at school' by the Welsh Government. However, in its absence, Members of the Working Group agreed that implementing the recommendations have the potential to deliver a positive outcome for the future generations of children in RCT, which the Working Group believe should continue to be a key priority for the Council.

The work undertaken by the Scrutiny Working Group has highlighted the correlation between attendance and attainment. It is evident that schools are working hard to increase school attendance and there are evidently many forms of best practice which need to be collated and disseminated to all schools across the County Borough, particularly in respect of the issuing of FPNs. The Working Group believe that the proposals in this report are fundamental to improving standards and achievement amongst all schools within Rhondda Cynon Taf.

The Recommendations of the Scrutiny Working Group are consistent with the priorities of the Council's Corporate Plan, in particular educational performance has a clear link to the Council's priority of Building a Strong Economy. Improved educational performance will have a positive impact on this priority.

These proposals are also consistent with the Well-being Goals under the [Wellbeing of Future Generations \(Wales\) Act 2015](#) and will achieve the following positive outcomes for the residents of RCT:-

- A prosperous Wales;
- A resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities; and,
- A globally responsible Wales.

Excellent school attendance is key to raising educational outcomes. In addition, schools play a pivotal role in safeguarding children and young people, ensuring their positive social and emotional wellbeing, which would not be possible without their engagement in education.

The Working Group has identified 7 Recommendations for the Executive to consider and take forward. The group believe that these recommendations will further strengthen the services provided for the benefit of residents and the future generations of Rhondda Cynon Taf.