

# 7 Minute Briefing – Multi-Agency Safeguarding Duties for Educational Neglect

For access 7 Minute Briefings and Further information regards attendance please see <https://www.sandwellcsp.org.uk/>

## 1 – What is Educational Neglect?

The Department for Education (DfE) has stated, ‘persistent failure to send children to school is a clear sign of neglect’. The NSPCC has cited, ‘failure to ensure regular school attendance which prevents the child reaching their full potential academically’ as one of their six forms of neglect.

‘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**’

<https://www.sandwellcsp.org.uk/wp-content/uploads/2022/06/SCSP-WNB-Guidance-2022-Final.pdf>

### Case study SCR

[https://www.lscpbirmingham.org.uk/images/BSCP/Professionals/Serious\\_Case\\_Reviews/BSCB2017-18-03/BSCB\\_2017-18-03\\_SCR\\_Report\\_-\\_01.09.22.pdf](https://www.lscpbirmingham.org.uk/images/BSCP/Professionals/Serious_Case_Reviews/BSCB2017-18-03/BSCB_2017-18-03_SCR_Report_-_01.09.22.pdf)

## 7 – Support/Action: Attendance Percentage

**90-100%** All schools should adopt a universal whole school approach (school, parent, child, and community) to attendance: Ensuring that internal policies and processes are applied to promote good attendance and/or challenge where concerns arise.

**70-90%** Schools should consider all early help (single agency) options including children’s centres, school nursing, inclusion support and police etc or an Early help assessment may be offered.

**50-70%** Where attendance concerns remain multi-agency (TAF) / targeted support may be considered following the completion of an early help assessment. (If consent / cooperation is withheld, intervention by the Attendance Service may be appropriate).

**50% or less** school attendance should trigger all schools and partners to consider “educational neglect” including the possibility of an Education Supervision Order via the Family Court (if not previously considered/actioned – see guidance).

Any breach of an Education Supervision Order places a duty on Social Care to complete an assessment, following a MARF referral.

The Graded Care Profile (GCP2) is a practical tool which supports practitioners in measuring the quality of care delivered to an individual child from an individual carer or carers over a short period.

## 6 – All Practitioners should:

Consider the significance of educational neglect if they become aware of persistent and/or severe absence from school. Demonstrate Professional curiosity in relation to children not in school including those who are Electively home educated / not on roll.

Challenge parents and carers as to why children are not in / attending school.

Consider how they and others might resolve the absence from school. E.g. Screen for Emotionally based school avoidance Seek advice from the child’s school, the School Attendance Support Service or the SCSP if they are concerned about a child’s attendance.

Please refer to

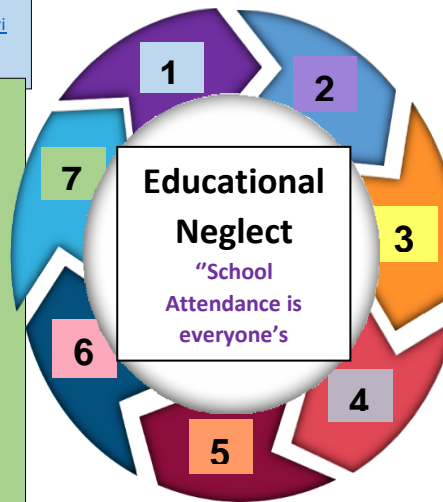
<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

## 2- Why is it important to highlight Educational Neglect?

Educational neglect, persistent and severe absence are recurring themes in Safeguarding Practice Reviews. In contrast, regular school attendance is a protective factor for the most vulnerable children and young people, providing opportunities for support whilst giving them the best possible start in life – Sandwell Vision 2030.

In accepting that “school attendance is everyone’s business” (Education [white paper](#)) the SCSP intention is, not to increase social care referrals, but to agree a pathway that creates a shared responsibility for responding to “educational neglect”.

Professor Jan Horwarth, describes “educational neglect as involving a carer failing to provide a stimulating environment, show an interest in the child’s education (**at school or otherwise**), support their learning, or respond to any special needs, as well as failing to comply with state requirements regarding education and attendance”.



## 5 – Indicators:

- Parent(s) consistently failing in maintaining schooling or identifying provision for their child.
- Parent(s) failing to engage in school meetings to address attendance concerns.
- Parent(s) unable to provide substantiated reasons for absences from school.
- Parent(s) failure to engage in statutory or non-statutory interventions to improve attendance.
- Parents fail to prevent children from becoming PA- (below 90% attendance) and/or severely absent over a period equal to an academic year (9 months / 6 half-terms).
- Parents “can’t” rather than won’t enforce boundaries and routines.
- Child refusal to attend school / adhere to parental boundaries.
- Impact of adverse childhood experiences or multiple moves (school / addresses).

## 3 – Chronic/Severe Absence including ‘not in education’

combined with safeguarding / child protection concerns was included in Sandwell’s windscreen of need.

The White Paper requires us to review our shared thresholds and definitions of persistent (90% or less) and severe (50% or less) absence from school.

In Sandwell the SCSP has agreed that the Educational Neglect of a child (less than 75% attendance over 3 terms) which significantly impacts their welfare and/or educational outcomes is likely to result in the **serious impairment** of the child’s health; well-being, development and/or life chances.

This may be exacerbated by poor routines and boundaries or a lack of parental engagement.

## 4 – What the Data tells us -

There is a demonstrable link between absence and attainment at the end of KS2 and KS4. Pupils with higher attainment at KS2 and KS4 had lower levels of absence over the key stage compared with those with lower attainment.

-Pupils who did not achieve the expected standard in reading, writing and maths in 2019 had an overall absence rate of 4.7%, compared with 3.5% among pupils who achieved the expected standard and 2.7% among those who achieved the higher standard

-Pupils who did not achieve grade 9 to 4 in English and Maths GCSEs in 2019 had an overall absence rate of 8.8% over the key stage, compared with 5.2% among pupils who achieved a grade 4 and 3.7% among pupils who achieved grade 9 to 5 in both English and maths.

- Research shows associations between regular absence from school and extra-familial harms. This includes crime (90% of young offenders had been persistently absent)3 and serious violence (83% of knife possession offenders had been persistently absent in at least 1 of the 5 years of study.

## School Attendance is everyone's business

The following guidance further explains the duties detailed in the above 7 Minute Briefing –

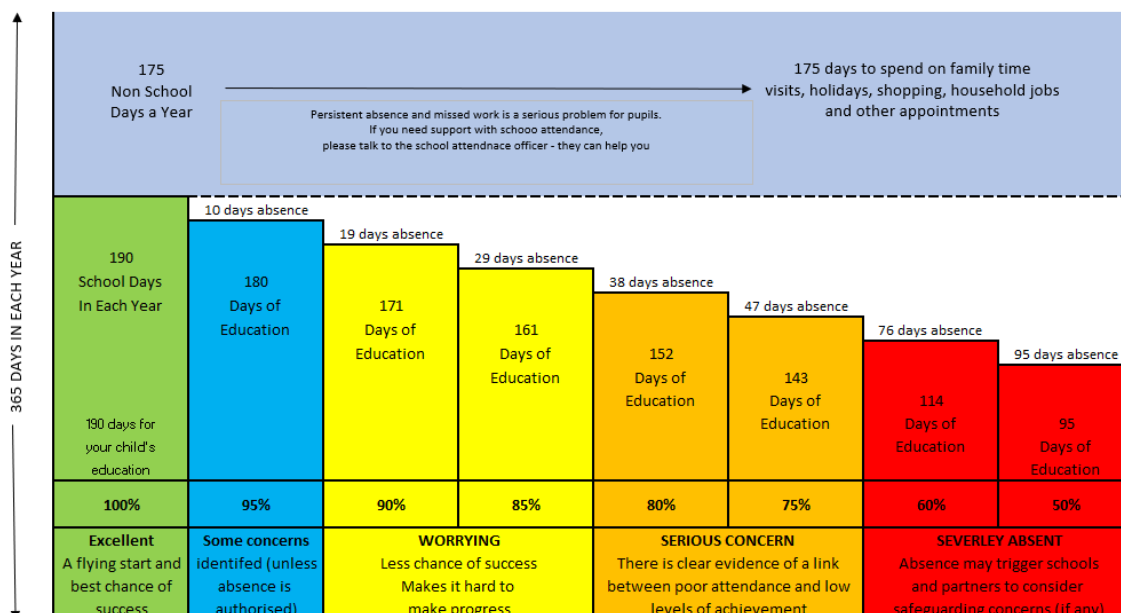


Fig. 1 Graph to demonstrate to parents the reality of school absence

### Introduction and context

Please see section 1 of the 7minute briefing School attendance is Everyone's Business for definitions of Educational Neglect.

Attendance is a national priority and after the disruption to learning due to Covid and schools' closures etc., every school day counts towards positive outcomes for children now and in the future.

The Government has set out expectations for Local Authorities, Schools AND parents in a new document 'Working Together to Improve School Attendance':

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>  
<https://www.gov.uk/government/publications/school-attendance/framework-for-securing-full-attendance-actions-for-schools-and-local-authorities>

The School's white paper requires Local Authorities and partners to work more closely with schools where attendance falls below 90% and is identified as a concern. Sandwell Children's Safeguarding Partnership are sending this clear message: "**School attendance is everyone's business**".

A recently published Serious Case Review (Hakeem BSCB 2017-18/03)

[https://www.lscpbirmingham.org.uk/images/BSCP/Professionals/Serious\\_Case\\_Reviews/BSCB2017-18-03/BSCB\\_2017-18-03\\_SCR\\_Report\\_-\\_01.09.22.pdf](https://www.lscpbirmingham.org.uk/images/BSCP/Professionals/Serious_Case_Reviews/BSCB2017-18-03/BSCB_2017-18-03_SCR_Report_-_01.09.22.pdf) (Particular paragraphs of note: 5.7 – 5.9 % 5.13 – 5.18)

The report highlighted that 'there was a lack of understanding [regards threshold for neglect and] about the importance of appropriate management of his asthma, alongside the impact of a decline in his home circumstances, and **deteriorating school attendance.**'

A Social worker assessment provided '*no evidence of any analysis in relation to multiple neglect factors that were present such as: Educational neglect, including inadequate supervision by his mother, in relation to getting him to school on time, failing to pick him up, which impacted on his*

*performance at school, his behaviour and frustration at going from being a 'gifted and talented' child to getting behind"*

Sandwell's multi-agency partners are working together to incorporate 'Educational Neglect' into Sandwell's Threshold guidance and other relevant documents such as the "Was not brought" guidance (May 2022), and will monitor the responses, advice and support provided to children and families via the Quality Assurance Framework (QAF).

### **Sandwell's Threshold for Educational Neglect**

The threshold for 'persistent failure' requires the following to be met over a nine-month period (academic year / 6 half terms):

- 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 statutory intervention which fails to improve attendance i.e. Penalty Notice and/or prosecution (Section 444/4441A)

### **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).

### **Process of Support (See 7- minute Briefing)**

Early intervention and appropriate support should be offered at the first signs of unauthorised absence. Guidance from the DFE is clear that the prosecution and criminalisation of parents should always be a last resort after all other options to improve school attendance have failed due to non-engagement of the parents and/or the child.

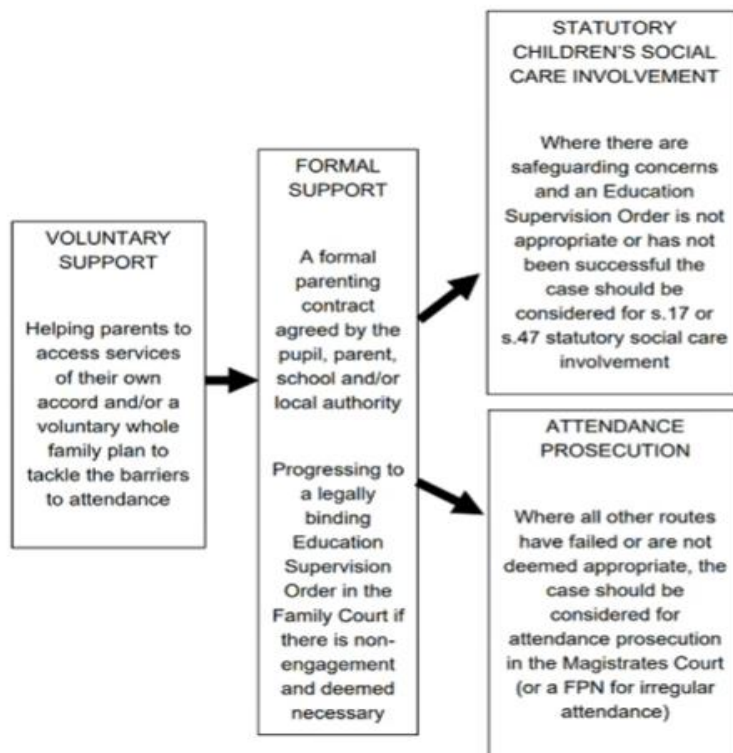


Fig 2.

All partners including social workers, Early Help Practitioners and health professionals etc. are required by the Education White Paper, to act in accordance with the principle that "school attendance (like safeguarding) is everyone's business".

All child related assessments, (including early help and/or sections 17/47) completed by professionals should reference school attendance and the child's right to receive "efficient full time education, appropriate, to their age, aptitude and special educational needs" (1996 education act - s4441).

If assessments are lacking in this respect, we may be missing opportunities to identify potential forms of neglect including, educational neglect. Practitioners from all agencies should:

- Identify and respond to unauthorised, persistent and/or severe absence from school.
- Consider the significance of educational neglect (if applicable) where there is no reasonable / substantiated explanation for absence.
- Demonstrate Professional curiosity in relation to children not in school including those who are Electively home educated and/or not on roll at schools or otherwise
- Challenge parents and carers as to why children are not in / attending school.
- Consider how they / other services might support to resolves the absence from school through the offer of Early Help and as appropriate Multi Agency Early Help.
- Seek advice from the child's school, the School Attendance Support Service or the SCSP if they are concerned about a child's attendance.

## **STATUTORY PATHWAYS**

### **EDUCATION PENALTY NOTICE**

- Administered by the Schools Attendance Support Service on behalf of the Local Authority.
- An alternative to prosecution in relation to an unauthorised leave of absence and/or irregular attendance (caused by unauthorised absence).
- Issued where there is a 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 / AGGRAVATED 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 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.

Above might apply to children who are electively home educated or not on a school roll.

### **EDUCATION SUPERVISION ORDER (Family Court)**

12month Order under Section 36 of the Children Act 1989 “the child is not being suitably educated”:

Before instituting proceedings, the LA must consult with social services where the child resides. The LA / social care may decide to

- provide support to the child and family
- Accommodate the child and/or
- Apply for an education supervision order (1 year - may be extended up to 3 years).

It is the duty of the supervisor\* to advise, assist and befriend plus give direction to the child and his parents in such a way as to ensure the child is properly educated and receives “efficient full time education at school or otherwise”.

(\*lead professionals from the local authority and/or relevant partner agencies including (but not limited to) an Attendance Support Officer / Social Worker / Multi agency Early Help worker / Youth Offending Officer etc)

Breach of the education supervision order is likely to lead to prosecution of the parent at the higher threshold under section 4441A (fine up to £2500 and/or a period in custody of up to 12 weeks).

For further information please contact [attendance\\_service@sandwell.gov.uk](mailto:attendance_service@sandwell.gov.uk)