

# **Parental Responsibility Measures - Attendance**

## **Data Collection - PRAB 2012**

### **Notes of Guidance**

**Data collection for Penalty Notices, Parenting Contracts, Parenting Orders and Fast-Track for Attendance is compulsory.**

**See Annex A for list of questions contained in the data collection exercise.**

**The main change to the PRAB 2012 data collection is that we are no longer collecting data on the use of penalty notices, parenting contracts and parenting orders for Behaviour /Exclusions but Local Authorities should still maintain their own data records where they use the measures.**

**You are asked to make data return reports on the provisions relating to the use of attendance penalty notices, fast-track, parenting contracts and parenting orders by your Local Authority during the academic year –2011-2012.**

**Where schools in your area use the attendance measures please also include these in your return.**

**Local authorities should note that the Department has increased the amount stated on penalty notices from 1 September 2012 to £60 (if paid by parents within 28 days) and £120 (if paid between 29-42 days). Further information can be found on DfE website at:**

**<http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/a00208166/penalty-notices>**

The data will be collected using the Department's secure IT system - COLLECT. The website will be available from 3 September 2012. Separate guidance on how to access and use the website will be issued before 3 September.

This data collection covers the school year 1 September 2011 to 31 August 2012 and is required by the deadline of **30 November 2012**.

## **General Notes**

1. All 152 LAs are expected to provide the data by the deadline given above.
2. Please include any relevant data provided to you by schools, including the numbers of parenting contracts offered and those that were accepted by parents/carers and cases entering and leaving Fast-track at school level.
3. The questions are asking for 'in period' data and therefore we are looking at numerical information within the period rather than case tracking/case specific (see notes to specific questions).
4. We are no longer collecting data regarding PCs, POs and PNs in cases of behaviour/exclusions. However, local authorities can continue to keep such data for their own records in case of court action.

**Further information on all the legal measures and good practice documents are available on the Department's website at:**

<http://www.education.gov.uk/schools/pupilsupport/behaviour/parents/a0010301/parental-measures-for-behaviour-and-attendance>  
<http://www.education.gov.uk/schools/pupilsupport/behaviour/parents/a0010302/parental-responsibility-data>

## **Attendance Measures**

### **Penalty Notices**

5. Penalty notices can be issued for s444(1) offence under the Education Act 1996. Penalty notices can only be issued to parents of pupils who are of compulsory school age (5-16) and where the LA has published a local code of conduct. All penalty notices issued must be paid in full within 28-42 days. If a penalty is unpaid after 42 days the LA must either withdraw the notice or prosecute the parent for the offence under s444 (failing to ensure their child's regular school attendance).

### **Withdrawal provisions for Penalty Notices**

6. The Education (Penalty Notices) (England) Regulations 2007 sets out the circumstances in which a penalty notice issued under s444 can be withdrawn. The grounds for withdrawing a penalty notice are:

- Questions 5a: PN has been issued outside of the terms of the local code of conduct;
- Questions 5b : It ought not to have been issued or issued to the person named as the recipient;
- Questions 5c: PN contains material errors; or
- Question 5d: where after the expiry of 42 days the penalty notice is unpaid and the LA has not started legal proceedings or wishes to take such action under section 444.

7. Please be aware that once a penalty notice is issued it can only be withdrawn because of one of the reasons listed above. LAs should not issue penalty notices unless they are willing to prosecute parents for the original offence of failing to secure their child's regular school attendance following non-payment. LAs' local codes should contain the grounds for withdrawal. Please read Chapter 5 of DfE guidance at:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/parents/a0010302/parental-responsibility-data>

### **Parenting Orders**

8. LAs can request a parenting order following a successful prosecution of parents for offences under sections 444(1) or 444(1A) of the Education Act 1996, for irregular school attendance. The courts can grant a parenting order as an ancillary order.

9. Parenting orders are imposed by the court and consists of 2 elements:

- (i) parent must attend a parenting programme or counselling for three months; and
- (ii) parent must comply with any other requirements that the court deem is necessary. The order should last for 12 months.

### **Requirements of Parenting Contracts**

10. The law allows LAs and schools to enter into a parenting contract with parents in respect of school attendance. Section 19 of the Anti-Social Behaviour Act 2003 states that the contract is a formal agreement between a parent and either the LA or the governing body of a school and **must contain both:**

- a) a statement by the parent that he agrees to comply for a specified period with whatever requirements are specified in the contract; and
- b) a statement by the LA or governing body agreeing to provide support to the parent for the purpose of complying with the contract.

11. The contract is voluntary. It is a two-way agreement between the school /LA and a parent and support must be provided which can include parenting skills classes /counselling/referral to other agencies for help/support. The school or LA must provide support to parents where they agree to comply with the terms of the contract.

12. If **Pastoral Support Plans and Individual Education Plans** are arranged to address pupils' poor attendance and have a parenting support element to them (i.e the parent is offered specific support as detailed above by either the school/LA) then these should be included in your return as a parenting contract. However if such plans do not offer any support to the parent and addresses only the pupils' needs then these should not be included in your returns as a parenting contract.

### **Parenting Contracts as part of Fast-track**

13. Where LAs enter attendance cases into the Fast-Track case management system they can also offer parenting contracts to parents at any time during the process, but prior to prosecution. If this is the case then you should record both the entry into Fast-track at questions 7 to 9 and the use of the parenting contract at questions 13 and 14.

### **Fast-track to Attendance**

14. Where a school/LA sees patterns emerging in a child's irregular attendance they should consider placing them on the Fast-track case management system. This is a 12 week programme to manage poor attendance effectively. If during any time on the programme or afterwards this fails to effectively address the pupil's poor attendance then the LA can consider prosecuting the parent under s444 of the Education Act 1996. Details of any prosecution should be included in your return. Please answer questions 7 to 9.

### **Technical issues and Contact details**

15. When moving between questions on the form please use either the 'tab' key or click into the boxes using the mouse. Please **do not** use the 'Enter/return' key to move between boxes.

16. Please note that you may save your return at any time and return to it. **Do not press the submit button unless you have completed all fields.**

17. Once you have entered the complete set of data please submit it. The website only allows you to submit the data once. If you have any doubt as to whether your data is submitted or for any technical enquiries (accessing the information on the website, completion and return of the data) please contact:

Data Service Group Helpdesk - <http://www.education.gov.uk/requestform>

For enquiries regarding the legal measures or attendance policy please contact:

Juliette Duah - 020 7340 8148 (email [Juliette.Duah@education.gsi.gov.uk](mailto:Juliette.Duah@education.gsi.gov.uk))

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The remainder of these notes are numbered so as to relate directly to the numbers on the data return form at [Annex A](#).

### **Penalty Notices (for unauthorised absence)**

**Question 1** is asking for the total number of penalty notices that were issued during the period of this return, due to unauthorised absence. This should also include where a penalty notice is issued in relation to pupils attending an alternative provision in a pupil referral unit and who fail to attend that provision.

**Question 2 to question 5** is asking for the numbers of penalty notices issued for unauthorised absence that were paid, unpaid or withdrawn during this period. It is unlikely that the total of Q2 to Q5 will equal the number in Q1 as some of the penalty notices referred to will have been issued in the previous accounting period. Likewise, some of the penalty notices issued in Q1 will not be 'resolved' yet, and will appear in the next data collection return.

**Question 6** is asking for the number of cases prosecuted for non payment of the penalty notice during this period and should include the number of summons served for unauthorised absence.

### **Fast-track case management (for absence from school)**

**Questions 7** should include, where possible, data on pupils being case managed within a fast-track process at both a school and LA level. If a parenting contract is offered as part of the Fast-track process then please record this at questions 13 and 14 as appropriate.

**Question 8** refers to the number of parents prosecuted (so, for example, where you bring a prosecution against both parents for a child's unauthorised absence, record '2'). The figure in question 8 (total number of cases prosecuted during the period) should refer to the number of fast-track cases heard in court. Please do not include prosecution cases that fall outside of the Fast-track process or cases that were withdrawn.

**Question 9** should include data on pupils that left the process having been case managed at either a school or LA level. Also, the figures in question 9 (total number of Fast-track cases withdrawn, before prosecution i.e. before they are heard in court, or before they reached the prosecution stage): should refer to Fast-track cases only - please do not include cases that fall outside of the Fast-track process. Please also remember to complete the reasons for withdrawal as set out in questions 9a and 9b.

### **Parenting Orders (for unauthorised absence)**

**Question 10** should include the total number of parenting orders made by the courts following either a 444(1) or 444(1)(A) prosecution.

**Question 11** is asking about the number of parenting orders that the LA was able to implement.

**Question 12** should include the total number of parenting orders not implemented during this period. This should identify the reasons why there may be a discrepancy between questions 10 and 11:

**Question 12a** should include POs that have not begun within 6 months of the order being made due to a lack of the necessary parenting provision within the LA. However, **do not** include details of POs that cannot be implemented during the statistical period because a parenting programme does not start until the next statistical period but include it in your next return.

**Question 12b** - should include POs that could not be implemented because of breach by the parent.

### **Parenting Contracts (for unauthorised absence)**

**Question 13** should include the total number of parenting contracts offered within the LA which includes those offered by schools. However it should only include cases where a parent has formally been offered a PC. Please only count cases where a contract has been offered in a face to face meeting with the parent.

**Question 14** should record the number of parenting contracts that were accepted by the parents and again should include those offered by either the LA or schools.

**Parental Responsibility Measures - Attendance  
Data Collection**

**Penalty Notices (for unauthorised absence)**

1. How many penalty notices were issued during the period?

During the period:

2. How many penalty notices were paid within 28 days?

3. How many penalty notices were paid between 29 - 42 days?

4. How many penalty notices were unpaid after 42 days?

5. How many penalty notices were withdrawn during the period?

Reasons for withdrawal:

a. PN has been issued outside of the terms of the local code of conduct (total number);

b. It ought not to have been issued or issued to the person named as the recipient (total number);

c. It appears that the notice contains material errors (total numbers); or

d. Where after the expiry of 42 days the penalty is unpaid and LA does not wish to bring legal proceedings under s444 (total numbers)

6. How many cases have been prosecuted following non-payment within the period?

**Fast-track case management (absence from school)**

7. Total number of cases entering the Fast-track case management system during the period?

8. Total number of Fast-track cases prosecuted during the period?

9 Total number of Fast-track cases withdrawn, before prosecution?

Reasons for withdrawal:

- a. Attendance improved (total number)
- b. Other (please specify) (total number)

**Parenting Orders (for unauthorised absence)**

10. Number of Parenting Orders made following unauthorised absence prosecution (ancillary orders) within the period?

11. Number implemented following unauthorised absence prosecution within the period?

12. Number not implemented within the period?

Reasons for non-implementation

- a. lack of provision (total numbers)
- b. breach by parent (total numbers)

**Parenting Contracts (for unauthorised absence)**

13. Number of parenting contracts offered within your LA during the period?

14. Number of parenting contracts, offered in question 13, accepted by the parent?