

Newcastle Safeguarding Children Partnership



Educational Neglect Policy

November 2023

1 Introduction and Background

Since 2016, total pupil absence in Newcastle schools has increased. In 2022, Newcastle Local Authority ranked 147 out of 153 local authorities for pupil absence. The number of pupils missing more than 10% of their schooling (persistent absence) also increased, putting Newcastle in the bottom fifteen local authorities in England on this measure. As this trend has continued, the number of pupils missing over half of their schooling has also increased, until at the end of 2023 approximately 1500 pupils were in this 'severely absent' category.

The links between outcomes and attendance are well documented. Nationally, roughly three quarters of students with attendance at or above the national average achieve grade 4 or above in Mathematics and English at GCSE. By comparison, only one in twenty students who are severely absent achieve the same [DfE Statistics 2019](#). In Newcastle, over 70% of Year 12 and 13 students not in education, employment or training (NEET) in 2023 were persistently absent at school. Over a third of the same cohort had been severely absent.

There are also links between regular absence from school and other harms. In national studies, 90% of young offenders had been persistently absent. 83% of knife possession offenders had been persistently absent.

[the-educational-background-of-young-offenders-summary-report
knife-and-offensive-weapon-sentencing-january-to-march-2018](#)

Neglect is "the ongoing failure to meet a child's basic physical and psychological needs" (Department for Education, 2018; Department of Health, 2017; Scottish Government, 2014; Wales Safeguarding Procedures Project Board, 2019).

The NSPCC in 2013 cited 'failure to ensure regular attendance that prevents the child reaching their full potential academically' as one of their six forms of neglect.

The DfE, in 'Working together to improve school attendance' (2022) set out expectations for stakeholders in order to ensure good attendance. The document recognises the complexity of reasons for poor attendance. There is an expectation for local authorities to set up multi-agency support for schools, pupils and families to help remove barriers. [Working together to improve school attendance \(publishing.service.gov.uk\)](#)

Through Locality Inclusion Panels (LIP) and Team Around the School (TAS) Newcastle Local Authority has a strong multi-agency approach to focus on attendance and to support pupils and their families. In 2023 the Attendance and Inclusion team expanded to be able to provide targeted attendance analysis and support to all schools in Newcastle, including support with legal referrals.

These developments provide a strong foundation for supporting families and schools to address barriers for attendance, and challenging when support is not effective. However, for a small group of families this is not enough. For these families, support followed by legal sanctions is ineffective. In 'Working together to improve school attendance', the DfE states that, *'If all avenues of support have been facilitated by schools, local authorities, and other partners, and the appropriate educational support or placements have been provided but severe absence for unauthorised reasons continues, it is likely to constitute neglect.'*

The term 'educational neglect' is helpful, in that it supports the narrative from professionals and conveys the level of concern the issue should invoke.

Educational Neglect should be considered by professionals when deciding whether to step down a case. It should be fully understood by the Virtual School when working with supporting agencies, and it should be considered as neglect when all other support and challenge has proved ineffective. The decision to step down a case in which a young person's attendance is less than 75% must only be made if there is an agreed attendance lead who is in a position to maintain support and challenge around attendance.

2 Educational Neglect Definitions

Certain risk factors necessitate immediate referral to the Multi Agency Safeguarding Hub (MASH).

The definitions for Educational Neglect are detailed below. However, where irregular school attendance is the only presenting or significant issue, evidence must be collated over a twelve-month period. In the case of EHE pupils, local authority officers must have taken all reasonable steps to establish whether suitable education is being provided and must have taken statutory action.

There must be a chronology of all offered support, interventions, evidenced observations and actions.

3 Definition of Educational Neglect (Omission by Parent)

Educational threshold for ‘persistent failure’ requires all the following to be met over a twelve-month period:

- Parent failing or inadequately maintaining schooling or identifying provision for their child;
- 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 court intervention which fails to improve attendance i.e. Section 444/4441A prosecution or School Attendance Order or Education Supervision Order.

Educational threshold for ‘serious impairment of development’

- Primary aged children where school attendance is 75% or less over an academic year (three terms). This is higher than the defined ‘severe absence at 50% because the impact on outcomes is exponential. The higher threshold leads to significant impact on outcomes, but improvement from the higher threshold is likely to have a much greater impact.
- Secondary aged young people where school attendance is 75% or less over an academic year (three terms), for the same reason as above.

Newcastle’s definition of Educational Neglect (omission by parent) has been met if there is evidence of both thresholds.

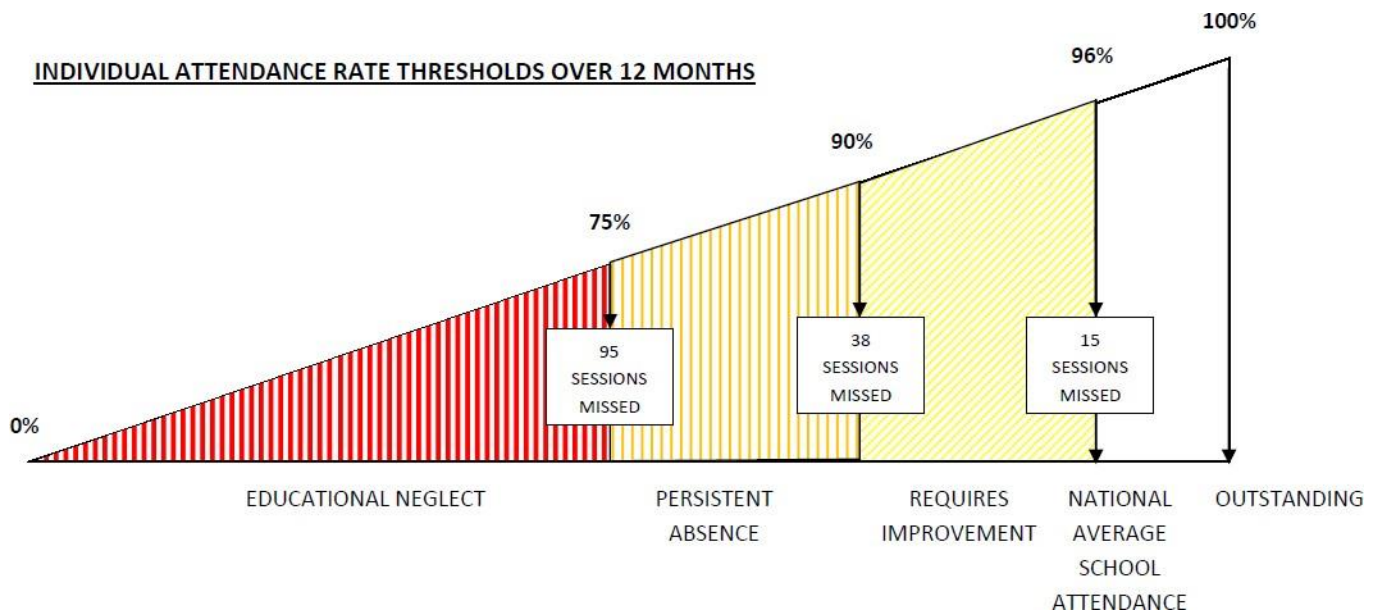
4 Definition of Educational Neglect (Omission by the Young Person)

This definition is appropriate when pupils are old enough to determine their own actions and independently travel to school and where:

- parental co-operation is clearly demonstrated.
- current educational provision is appropriate for the young person's needs (this will be decided by agencies involved with the child and family, including the school. The views of the young person and their family must be considered).
- attendance levels are as identified above (threshold for serious impairment of development).

Should these thresholds be met, the Attendance and Inclusion Team will consider whether an application to the Family Court for an Education Supervision Order is appropriate. If the young person or parent persistently fails to follow any directions made in the course of an Education Supervision Order, there is a duty for an early help/social care to assess the child's circumstances.

5 Individual Attendance Rate Thresholds Over 12 Months



6 Statutory Legal Options

There are several legal options to address poor attendance. They are listed below.

Education Penalty Notices (Administered by Local Authority)

These are used as an early intervention where there is irregular attendance, unauthorised absence and a reasonable expectation that this may change; discharges the parent's liability for conviction of an offence by paying under the Education (Penalty Notices) (England) Regulation 2007.

Prosecution – Absolute 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 – Aggravated Offence (Magistrates Court)

Prosecution of a parent, under Section 444(1A) of the Education Act 1996, for irregular attendance of child with unauthorised absence; parent knows about the irregular attendance and fails without reasonable justification to change this; potential of custodial sentence.

School Attendance Order (Magistrates Court if not resolved)

Requires parent(S), under Education Act 1997 to register a child of compulsory school age at a named school when not receiving a suitable education.

Education Supervision Order (Family Court)

12-month Order under Section 36 of the Children Act 1989 on the grounds that the child is not being suitably educated; Supervising Officer to, 'assist, advise and befriend'.

7 Summary

This policy has been written to support the safeguarding of all Newcastle’s children and young people from Educational Neglect, which is often described as an understudied phenomenon that is difficult to define and to address.

Our aim is to address educational neglect by having a policy that clearly defines how we respond to allegations of educational neglect.

EDUCATIONAL NEGLECT DEFINITIONS AND STATUTORY PATHWAYS

In addition to ongoing support from school.

