

Report to: **Cabinet**

Date: **19 October 2004**

By: **Director of Education and Libraries**

Title of report: **Anti-social Behaviour Act 2003 – Education related provisions**

Purpose of report: **To seek approval from the Cabinet to issue Codes of Conduct on the attendance and behaviour aspects of the Anti-social Behaviour Act 2003**

RECOMMENDATIONS

The Cabinet is recommended to authorise the Director of Education and Libraries to issue Codes of Conduct in respect of the education-related provisions of the 2003 Anti-social Behaviour Act as follows:

- (a) the final text to be amended as set out in this report (in particular paragraphs 2.3 and 2.7) and agreed by the Lead Member for Children and Young People; and Libraries;**
 - (b) the Code of Conduct relating to attendance to be issued to the timetable set out in paragraph 2.3 with the caveat as set out in paragraph 1.3; and**
 - (c) the Code of Conduct relating to behaviour to be issued as soon as possible following finalisation of local Anti-social Behaviour Order (ASBO) arrangements with the Youth Offending Team (YOT)/ASBO Co-ordinators group**
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1. Financial Appraisal

1.1 The implementation of the new powers conferred on the Local Education Authority (LEA) will require additional resources. School governing bodies are expected to fund the requirements of parenting contracts for attendance and fixed term exclusions, and whilst this might reasonably be met by secondary schools from their additional resources for preventing exclusions, it may well present difficulties for some primary schools. Parenting contracts for permanent exclusions and parenting orders are to be funded by the LEA. It is intended that the cost of issuing and managing penalty notices will be covered by the income generated.

1.2 The magnitude of the additional costs incurred in operating these provisions of the Act will depend on the possible scope for restructuring current budgets for school attendance and behaviour management and the rate of take-up of the powers. An estimate of the likely additional cost of implementation will be made at the conclusion of the consultation period but it is not expected to exceed £50,000 for a full year effect.

1.3 It is recommended in paragraph 2.4 that the Codes of Conduct do not come into full operation until September 2005. However, the timing and scope of implementation of the Parenting Contracts and Orders provisions will need to be reviewed in the light of the overall 2005/06 budget settlement.

2. Supporting Information

2.1 On 29 June 2004 the Cabinet received a report on the attendance and behaviour education related provisions of the 2003 Anti-social Behaviour Act. The Cabinet authorised consultation on the basis of a set of proposals, reproduced as Annex 1 to this report.

2.2 Annex 2 provides a summary of the responses received; copies of the 53 response forms have been lodged in the Members' Room.

2.3 **Code of Conduct – Attendance:** It is recommended that the Code is issued with the following amendments:

- (a) A 'Warning Notice' will be issued to all parents taking their child out of school for a holiday in term time for five or more days. This will be by way of a standard letter, the wording of

which will be the subject of further consultation. For holidays of less than five days the headteacher will exercise discretion on whether the standard letter should be issued. This will be reviewed after one year of operation.

- (b) A 'Penalty Notice' will be issued to parents taking their child out of school for a second time during a school year for a period of five or more days.
- (c) Where a parent takes a child out of school for more than two or more holidays in term time, and one or more are less than five days, then the headteacher may request the Education Welfare Service to issue a 'Penalty Notice'.

2.4 Further it is recommended that:

- the Code of Conduct is issued to schools during the spring term 2005
- parents are informed during the summer term 2005
- full commencement from September 2005, subject to the caveats set out in 1.3 above.

The reasoning for the recommended timing is influenced by two factors: First, the Education Welfare Service, which is central to implementation, will not have a Principal Education Welfare Officer until January (an appointment has recently been made). Second, whilst there are many reasons why warning and penalty notices might be issued, for those to do with holidays in term time an awareness raising campaign in the summer term has a better potential fit with the booking periods for holidays. However, in the interim, headteachers will have clear guidance on the code that will help them in their discussion with parents.

2.5 **Code of Conduct – Behaviour:** The draft Code received general acceptance. It is recommended that it is issued as soon as possible with a few minor technical amendments following detailed comments from colleagues in the Youth Offending Team. The timing of issue will, however, be dependent on clarifying with the YOT/ASBO Co-ordinators group how best to inform schools of the local arrangements with which they should engage.

2.6 The guidance to schools on their role will also be expanded to take into account the comments of a number of respondents.

2.7 The responses over whether foster parents should be treated in the same way as all parents were somewhat divided. Following further consultation with colleagues in the Social Services Department the Code will be amended to state that attendance and behaviour problems will be dealt with jointly under the 'Standard Care' arrangements for foster carers.

2.8 The impact of the two Codes of Conduct on schools, children and young people will be closely monitored and a review undertaken toward the end of the first year of operation. That is, the latter part of the summer term 2006 by which time provisional 2005/06 school year attendance data will be available.

3. Conclusion and Reason for Recommendation

3.1 The LEA is expected to issue a Code of Conduct on both the attendance and behaviour aspects of the 2003 Anti-social Behaviour Act. The Codes, as amended, are intended to provide schools and the LEA with further effective measures to raise attendance and reduce exclusion, thus contributing to increasing achievement in school. The Codes are also designed to ensure proper and effective liaison and joint action with other key agencies.

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Director of Education and Libraries

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BACKGROUND DOCUMENTS

Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices, DfES Cabinet Report, 29 June 2004: "Anti-social Behaviour Act 2003 – Education related provisions"