

**HERTFORDSHIRE COUNTY COUNCIL
CHILDREN, SCHOOLS AND FAMILIES
SCRUTINY COMMITTEE
WEDNESDAY 20 MARCH 2002 AT 10.30AM**

**Agenda Item
No.**

5

PROSECUTION OF PARENTS

Report of the Director of Children, Schools and Families

Author: Lesley Hewitt, Head of Education Welfare Practice
Telephone: 01992 588580

1. Purpose of the report:

1.1 The Liberal Democrat Group originally raised the issue of prosecution of parents. The Scrutiny Committee on 23 January 2002 decided to defer the decision regarding whether to scrutinise this issue until further information was provided. The report presents this further information, in order to allow the Committee to decide if more scrutiny work should be undertaken.

2. Summary

2.1 The report gives information on the number of legal actions undertaken by the Education Welfare Service in each quadrant. The numbers are fairly evenly spread across the four quadrants but there is a slight increase in the number of prosecutions undertaken in the South Quadrant. There has been a small increase in the number of Education Supervision Orders taken in the West Quadrant in 2000/01.

2.2 The report gives information on whether pupils returned to school following legal action taken during the school year 2000/01.

2.2 Most prosecutions have been taken in Key Stage 4. This is when pupils are most likely to become disaffected at school.

2.2 Legal action has been effective in returning a number of pupils to school particularly in Key Stage 3. Legal action has not been effective with some entrenched non-attenders particularly where parental co-operation is poor.

2.2 A fine was imposed in 39 of the 69 cases appearing before magistrates in 2000/01. The level of fines varied from £35 to £750 for a first offence. Generally the amount was around £100.

3. Conclusion

- 3.1 Legal action in respect of pupils who fail to attend school regularly has predominately been taken in Key Stage 4 when pupils have become disaffected at school. It has been effective in returning a number of pupils to school. There have been some entrenched non-attenders on whom legal action has had no effect. This is particularly the case when co-operation from parents is poor. Penalties imposed by courts and level of fines vary considerably.

4. Number of Legal Actions by Quadrant

4.1 Information on the number of legal actions undertaken in each Quadrant since 1998 is included in Appendix A. The number of prosecutions is spread fairly evenly across the quadrants with a slight increase in the South. The number of Education Supervision Orders is again spread fairly evenly, with a slight increase in the West Quadrant in 2000/01.

5. Pupils returning to School

5.1 Appendix B gives information for 2000/01 on whether pupils returned to regular attendance at school following legal action.

5.2 Most prosecutions were taken in Key Stage 4. This is when pupils are most likely to become disaffected at school.

5.3 Legal action has resulted in a number of pupils returning to school. This is particularly the case in Key Stage 3.

5.4 Of the 69 prosecutions taken against parents during 2000/2001, 24 pupils returned to regular attendance at school. For 21 pupils who did not return to school alternative educational provision was arranged. (YPU/ESC) 24 pupils returned to school for a short time only following which alternative educational provision was arranged.

5.5 22 Education Supervision Orders were taken during 2000/01. In 11 cases pupils returned to regular attendance at school. For 5 pupils who did not return to school alternative educational provision was arranged. 6 pupils return to school for a short time only following which alternative educational provision was arranged

5.6 After careful consideration some parents were prosecuted for a second time. This was only in cases where parents failed to co-operate with the education welfare officer and support services. Six parents were prosecuted for a subsequent offence, which resulted in three pupils returning to school.

6. Information on Fines imposed by Magistrates.

6.1 A fine was imposed in 39 of the 69 cases appearing before magistrates in 2000/01. The level of fines varied from £35 to £750 for a first offence. Generally the amount was around £100.

6.2 It has not been possible to obtain information as to whether fines were paid or not. This is confidential information not released by the courts.

6.3 The Education Welfare Service asks for costs of £50 and in the majority of cases this was granted.

7. Conclusion

- 7.1 Legal action is taken in cases after considerable support to the family has failed to ensure the pupil's regular attendance at school. Parents have been prosecuted primarily when they have failed to co-operate with the education welfare officer and support services, e.g. failed to attend meetings, keep appointments, respond to letters and home visits.
- 7.2 Legal action has been effective in returning a number of pupils to school. This is particularly so when taken in Key Stage 3. However, it is often not until Key Stage 4 that pupils become disaffected with school. Legal action has not been effective with some entrenched non-attenders who have been absent from school for sometime.
- 7.3 Although legal action may not have resulted in returning the pupil to school, it can have an effect on younger siblings or other pupils and parents within the school.
- 7.4 Penalties imposed by courts and level of fines vary considerably. Prosecution is less effective when parents do not appear in court and cases are heard in their absence. A conditional discharge is an effective penalty but can only be imposed if parents appear in court.
- 7.5 Legal action can be an effective strategy in ensuring a pupil returns to regular attendance. Often the realisation that a parent will appear in court is sufficient to secure the pupil's return to school. It is however, essential that when a parent is informed that legal action will be taken unless their child returns to regular attendance that this action is carried out.

8. Financial implications

- 8.1 There are no financial implications arising from this report.

If you would like to know more about the issue referred to in this report please contact Lesley Hewitt (Tel: 01992 588580)

Background Papers:

Education Welfare Legal Action Database
Minutes of the Children, Schools and Families Scrutiny Committee on 23 January
2002