

Consultation

**Launch Date 30 November 2012
Respond by 22 February 2013
Ref: Department for Education**

Improving educational outcomes for children of travelling families

Improving educational outcomes for children of travelling families

A Consultation

To Community groups, parents of travelling families, headteachers/principals of schools, teachers, school support staff, school governing bodies, local authorities, unions, charities, representative organisations, and other interest groups

Issued 30 November 2012

Enquiries To If your enquiry is related to the policy content of the consultation you can contact the Department on 0370 000 2288

or by email:

TravellingFamilies.CONULTATION@education.gsi.gov.uk

Contact Details

If you have a query relating to this consultation generally, you can contact the Public Communications Unit by telephone on: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

1 Summary

- 1.1 Evidence tells us that regular, consistent attendance at school is associated with good achievement. To ensure that each child has the opportunity to achieve their best the Government is determined to improve school attendance for all children.
- 1.2 We know that significant absence from school reduces the opportunity for children to fulfil their potential. Only six per cent of pupils who missed more than half of their schooling achieved 5 or more good GCSEs in 2010/11 (5+ A*-C at GCSE or equivalent, including English and maths), compared with 71 per cent of pupils who missed less than five per cent of their schooling. (source: internal DfE analysis of National Pupil Database)
- 1.3 The Government is therefore proposing to repeal the current legislation that protects travelling parents from being found guilty of school attendance offence if their child is absent from school, in certain circumstances.
- 1.4 Under section 444(1) of the Education Act 1996 (EA 1996), a parent commits an offence if they fail to ensure their child's regular attendance

at a school where the child is registered. Under section 444(1A) EA 1996, a parent commits a further offence where the circumstances in section 444(1) apply and the parent knows that the child fails to attend regularly at the school and fails to cause the child to attend. However, this legislation sets out defences to these offences. In particular, section 444(6) EA 1996, gives parents a defence in which they cannot be found guilty of a school attendance offence, provided that the child is of no fixed abode and:

(a) parents are engaged in a trade or business of such a nature as to require them to travel from place to place, and

(b) the child has attended at a school as a registered pupil as regularly as the nature of that trade or business permits, and

(c) if the child has attained the age of six, that he or she has made at least 200 attendances during the period of 12 months ending with the date on which the proceedings were instituted.

- 1.5 Parents who dual register their child at another school whilst travelling will not be affected as their child will not be recorded as absent from school.

2 Introduction

- 2.1 All parents have a legal duty to educate their children of compulsory school age either by registering them at a school or otherwise. Where a parent chooses to educate their child at a school they have a legal duty to ensure their child attends schools regularly regardless of their background or ethnicity.
- 2.2 This consultation document sets out details of the option that the Government would like the public to consider as part of its assessment about whether to repeal section 444(6) EA 1996. This is about whether parents of a child, who is of no fixed abode and where the parents are engaged in a trade or business, should receive protection from prosecution, in certain circumstances, regarding their children's non-attendance at school.
- 2.3 This consultation will commence on 30 November 2012 and last for 12 weeks until 22 February 2013. This would enable any changes to come into force in 2014, subject to this consultation and parliamentary processes.

3 Background

- 3.1 The Department's aim is to ensure everyone has a fair opportunity to fulfil their educational potential. We want to ensure that young people leave school having achieved high quality qualifications which enable them to have meaningful and promising options when entering higher education, training and future employment.
- 3.2 The Department is making a number of reforms in order to achieve its aim of making England a highly-educated society. This includes reforms to early years, a new national curriculum, new proposals for pupils with special educational needs, the academies programme, and the introduction of the Pupil Premium. The reforms will benefit all children attending school regularly.
- 3.3 This consultation is consistent with the Department's work to improve school attendance for all children. There are clear and tangible benefits for pupils who are registered at school to attend regularly. Poor attendance can disrupt pupils' education, and mean that they fall behind their peers. Frequent absence from school places pupils at a significant disadvantage academically - there is clear evidence of a link between poor attendance at school and low levels of achievement:
- Of pupils who missed between 10 per cent and 20 per cent of school sessions, only 39 per cent managed to achieve five or more GCSEs at grades A* to C including English and maths in 2010/11.
 - Of pupils who missed less than five per cent of school sessions, 71 per cent achieved five or more GCSEs at grades A* to C including English and maths in 2010/11.
- 3.4 The Government's Expert Adviser on Behaviour, Charlie Taylor, published a report on school attendance for the Secretary of State on 16 April 2012. Charlie Taylor's report can be found by clicking [here](#).
- 3.5 Persistent absence is a serious problem for pupils. Much of the work children miss when they are off school is never made up, leaving these pupils at a considerable disadvantage for the remainder of their school career. The Department has changed the definition of persistent absence to deal with the reality of pupil absenteeism in schools and its impact on their education. The threshold at which a pupil is defined as persistently absent has been reduced from 20 per cent to 15 per cent to enable schools take action sooner to deal with absence.

4 Argument

4.1 The attendance of specific groups of pupils is of particular concern. The figures below illustrate that, among mobile populations, poor attendance by children of Gypsy, Roma and Traveller families is correlated with their educational attainment.

4.2 At Key Stage 2:

- Irish Traveller pupils who missed less than 10 per cent of sessions (38 sessions) over the Key Stage 2 years were **1.8 times** more likely to achieve Level 4 in Key Stage 2 English and maths in 2010/11 than those who missed more than 10 per cent of sessions and **three times** more likely to than those who missed more than 20 per cent of sessions.
- Gypsy and Roma pupils who missed less than 10 per cent of sessions (38 sessions) over the Key Stage 2 years were **1.7 times** more likely to achieve Level 4 in Key Stage 2 English and maths than those who missed more than 10 per cent of sessions and **2.8 times** more likely than those who missed more than 20 per cent of sessions.

At Key Stage 4:

- Irish Traveller pupils who missed less than 10 per cent of sessions (38 sessions) over the Key Stage 4 years were **3.4 times** more likely to achieve 5 A*-C GCSEs or equivalent including English and maths in 2010/11 than those who missed more than 10 per cent of sessions, and **6.5 times** more likely than those who missed more than 20 per cent of sessions.
- Gypsy and Roma pupils who missed less than 10% of sessions (38 sessions) over the Key Stage 4 years were **2.6 times** more likely to achieve 5 A*-C GCSEs or equivalent including English and maths than those who missed more than 10% of sessions and **9.4 times** more likely than those who missed more than 20% of sessions.

(source: internal DfE analysis of National Pupil Database)

5 Summary of the Proposals

- 5.1 The Government wants to ensure that all children who are school registered are attending schools whilst not encroaching on their parents' right to travel for employment. By changing the law, the Government wants schools and parents to make arrangements which ensure that children are continuing their education, for example registering at another school whilst travelling.

We are seeking views on whether to repeal the section 444(6) EA 1996 and invite you to tell us whether you agree with our view.

6 The Options

- 6.1 This consultation document requests views on section 444(6) EA 1996. The changes would affect head teachers, school governing bodies, local authorities and parents of travelling families.
- 6.2 Repealing this legislation means that parents are engaged in a trade or business that requires them to travel could not avail themselves of the defence provided by section 444(6) EA 1996. However, current provisions would still allow families that travel the flexibility to ensure that their children continue to receive education, for example through dual registration at another school while away from the home school.
- 6.3 The evidence demonstrates that Gypsy, Roma and Traveller children are persistently absent from school for long periods of time and have poor attainment levels. However, the Government recognises the culture and occupations of parents of travelling families. The Government is seeking to improve school attendance and outcomes for children of travelling families. Therefore we welcome constructive suggestions that take into account the need to drive-up the attainment levels of these pupils, engaging them fully with local schools while at the same time maintaining the culture and occupations of the families.

Question: Should section 444(6) EA 1996 be repealed?

Yes No Not sure

Comments:

7 How To Respond

- 7.1 Consultation responses can be completed online at www.education.gov.uk/consultations

by emailing: TravellingFamilies.CONULTATION@education.gsi.gov.uk

or by downloading a response form which should be completed and sent to:

Department for Education
Pupil Performance Team
(2nd Floor)
Great Smith Street
Westminster
London SW1P 3BT

8 Additional Copies

- 8.1 Additional copies are available electronically and can be downloaded from the Department for Education e-consultation website at: <http://www.education.gov.uk/consultations>

9 Plans for making results public

- 9.1 The results of the consultation and the Department's response will be published on the DfE e-consultation website in spring 2013.