

FULL COUNCIL - WEDNESDAY, 20 JULY 2016

Written question from Jon Platt to Councillor Jonathan Bacon, Leader and Executive Member for Resources, Organisational Change and Children's Services

Does this council support the executive in seeking permission to appeal the decision of the IW Magistrates and the High Court in *IW Council -v- Platt* to the Supreme Court?

Response

There is a clear link between poor attendance at school and lower academic achievement. Of pupils who miss more than 50% of school only 3% manage to achieve five or more GCSEs at grades A* to C including mathematics and English. 73% of pupils who have over 95% attendance achieve five or more GCSEs at grades A* to C.

Attendance rates in Isle of Wight Schools have improved significantly, at primary phase from 94.7% attendance in 2012/13 to 96% in the current year up to May half term. Similarly, in secondary phase the attendance rate was 91.9% in 2012/13. This has risen to 94.1% for the current academic year up to May half term.

These figures have increased because of a comprehensive attendance strategy much of which focuses on praising students for high attendance and encouraging schools to positively reward those students that attend regularly. In addition, the Education Welfare Officers provide support and advice to families to encourage high attendance. The fines are therefore only part of a much wider piece of work.

The 1996 Education Act and subsequent Government amendments dictate that absence should only be authorised when there are exceptional circumstances and empowers Local Authorities to issue penalty notices in respect of irregular attendance. This law also requires local authorities to have a Code of Conduct which supports schools in decision making in relation to issuing penalty notices.

The Code of Conduct informs schools that the ultimate decision as to whether to approve absence for holiday in term time or not, rests with the head teacher of a school. Head teachers are able to apply some discretion to applications but *only* if they believe the situation to be exceptional. There are guidelines provided by the National Association of Headteachers.

Following the Isle of Wight – v – Platt court case in May 2016, the Isle of Wight Council wrote to all its schools advising them that the law regarding the decision to authorise absence has not changed and until advised otherwise, we would continue to follow Department of Education advice. The Government's position was outlined in a letter from Nick Gibbs, Minister of State for Schools sent to all head teachers on 6th June 2016. The letter reiterated that absence in term time could only be authorised by head teachers if they considered the circumstances to be exceptional.

The Isle of Wight – v – Platt case has now been referred to the Supreme Court. When a decision has been reached in this matter we will update our Code of Conduct formally and re-issue to schools. In the meantime we have issued guidance to help schools understand the current legal position. When receiving penalty notice requests we are examining the individual facts of each case carefully before considering legal intervention but we are still issuing penalty notices and prosecuting at court in certain cases.