

REGULATORY APPRAISAL

EDUCATION, WALES

EDUCATION (SCHOOL PERFORMANCE AND UNAUTHORISED ABSENCE TARGETS) (WALES) (AMENDMENT) REGULATIONS 2006

Purpose and intended effect of the measure

1. The Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999 require governing bodies of all schools that provide secondary education to set targets for the reduction of unauthorised absences of the day pupils at the school.
2. The Welsh Assembly Government is aware of some variation in the recording of absences as authorised or otherwise, and of the difficulties faced by schools in following up absences, to establish whether an absence is authorised or unauthorised.
3. The amendments to the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999 are intended to counteract these inconsistencies by requiring targets to be set on total absence. They are also intended to increase the breadth of application of attendance targets to enable schools and Local Education Authorities (LEAs) to use them as a tool to identify and tackle attendance issues.
4. Four key areas have been identified that the amendments should address in order to make school level attendance targets clearer and more consistently applied across Wales. The amended Regulations will allow for:
 - School level attendance targets to be based on total absences;
 - The requirement for setting school level attendance targets to be extended to cover maintained primary schools;
 - Submission of targets to the LEA to ensure consistency of application and approach; and
 - LEAs to request revised targets from school governing bodies if they are not satisfied with the targets originally submitted. If they are still not satisfied with the revised targets, LEAs to then set target for the school in question.

Risk Assessment

5. The process of setting targets to reduce absenteeism and reporting of progress against targets was identified by the Attendance Task & Finish group as an essential element in tackling attendance issues in Wales, through the improved use of attendance data by schools and LEAs. However, under the current Regulations Primary schools are not required

to set targets and Secondary schools are not required to submit their targets to the LEA for consideration.

6. The habit of good attendance starts in primary school. Should the proposed amendments not be made, the opportunity to increase the focus on attendance issues at a primary level and thus promoting early intervention in tackling issues of poor attendance would be lost.
7. In addition without the amendments, the continued focus on setting targets on unauthorised absences could offer perverse incentives leading to inaccurate reporting of attendance levels.

Benefits

8. The proposed amendments to the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999 seek to address these issues to provide more honest reporting of attendance levels, and improving the flow of attendance information between schools and LEAs allowing for more efficient targeting of resources. The introduction of targets for primary schools will also increase the potential of early intervention.

Options

Option 1: Do Nothing

9. This would mean that targets would continue to be set only on unauthorised absences and by secondary schools only. Thus, inconsistencies in the recording of unauthorised absences would not be addressed and the targets would continue to be of limited use to LEAs in addressing attendance issues.

Option 2: Amend the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999 to require targets to be set on total absences

10. This would allow for targets to be set on total absences, thus counteracting the issue of inconsistent recording of unauthorised absences. However, targets would still continue to be set only by secondary schools, providing limited information for LEAs.

Option 3: Amend the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999 to require targets to be set on total absences and to require primary schools to set targets

11. Requiring primary schools to set targets for total absence would serve to increase the focus on attendance issues at primary level, supporting the principle of early intervention. However, whilst this will result in all maintained primary and secondary schools setting targets for reduction of total absences, it only addresses 2 of the 4 areas identified. There would be no monitoring of targets to ensure consistency of application and approach across an Authority.

Option 4: Amend the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999 to require targets to be set on total absences, for primary schools to set targets and to allow LEAs to request revised targets if necessary

12. This would enable the amendment of the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999 to reflect all 4 areas identified to address issues of both early intervention and monitoring of targets to ensure consistency of application and approach. In addition, this will provide LEAs with more accurate information about attendance issues across their authority, which could be used in the allocation of resources and also to feed into the LEA target setting for attendance.

13. Therefore, Option 4 to make the Regulations is being proposed.

Costs

14. It is not envisaged that there will be any direct costs associated with changing the basis on which school-level attendance targets are set. However, it is intended to produce a brief guidance document covering the target setting process, which will incur the associated costs of preparation and distribution. It is anticipated that these costs will be met out of the existing Pupil Support Division publicity budget for 2006-07.

15. It is recognised that there are two distinct groups who may incur indirect costs in complying with the amendments:

- Maintained Primary Schools – Attendance data has been collected from the primary sector for the last 2 academic years, therefore, primary schools are already required to collect and collate attendance data. As such the main indirect costs will be in the time taken to use existing data to develop absence targets, to present the information to the governing body and associated discussions. It is estimated that this would take 2 -3 hours in total per academic year. To reduce this time to a minimum it is our intention to produce guidance on target setting including a proforma for presentation of targets to the Governing body, and subsequently the LEA and also provide schools with 3 years trend data along with comparative data for schools in similar circumstances to assist in the target setting process;
- LEAs – LEAs will now have to consider their maintained schools absence targets with a view to exercising their power to require, or make, a revised target. Again, the main indirect costs associated with this process will be staff time in reviewing each school's targets. Obviously, this amount will vary depending on the size of the LEA and therefore the number of schools so an estimate of 5 hours in total is an average figure. It is envisaged that the submission of the targets on a proforma would make it easier and more efficient to analyse the targets, thus reducing this time. Also, as LEAs are required to set attendance targets as part of their Performance Indicators, the overview of targets from schools within their

authority should reduce the amount of time necessary for LEA target setting.

16. In considering any indirect costs in complying with the amended Regulations it should be noted that this relates predominantly to staff time and can only be an estimate at this stage. Therefore, there will be a commitment to review the amount of time necessary to comply with these amendments and associated costs.

Consultation

With Stakeholders

17. The intention to change the basis of school-level attendance targets to total absences was initially raised in a letter on Attendance Issues which was issued to all schools, Pupil Referral Units (PRUs), Directors of Education and Senior Education Welfare Officers on 1 February 2005. Responses to this letter indicated support for the proposal.
18. A detailed policy consultation was issued as part of the wider consultation on revisions to National Assembly for Wales Guidance Circular 3/99 'Pupil Support and Inclusion' published on 4 May 2005. The closing date for the consultation was 29 July 2005 and a list of consultees is attached at Annex A. The views of all respondents have been taken into account in preparing the final draft of the Regulations and in the production of this Regulatory Appraisal.

With Subject Committee

19. These Regulations were notified to the Education and Lifelong Learning Committee via the list of forthcoming legislation on 22 September 2004 (paper ELL(2)11-04 (p6)), but were not identified for detailed scrutiny. In addition, the consultation document was made available to Members of the Committee in May 2005 and no comments were received.

Enforcement, monitoring and review

20. Monitoring of attendance targets will be at Local Authority Level, with schools required to submit targets for consideration. The Welsh Assembly Government will continue to hold monitoring meetings with LEA Senior Education Welfare Officers on a termly basis. These meetings provide LEAs with the opportunity to raise concerns, share good practice and to reflect on attendance issues in Wales.

Summary

21. A number of aspects of the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999 that require amendment have been identified. These amendments are considered necessary to ensure honest and consistent reporting of attendance levels, and to promote early intervention through the inclusion of the primary sector.

Annex A

Inclusion and Pupil Support – Consultation list

In each of the 22 LEAs:

Director of Education
Pupil Support Managers

Education Welfare Service Managers

Other organisations (from main consultation list only)

Teachers Unions
Diocesan Directors
Children's Commissioner for Wales
ACCAC
Estyn
Governors Wales
General Teaching Council for Wales
Welsh Joint Education Committee
Welsh Language Board
Welsh Local Government Association
Funky Dragon
SNAP Cymru
NSPCC Cymru
Welsh Association of Foundation/Aided schools
Voluntary Sector Assembly Liaison
National Association of Governors and Managers
PTA Wales
Education Otherwise

Schools

A ten percent sample of independent and maintained primary, secondary and special schools, and pupil referral units in Wales:

Aberbargoed Primary School
Abercarn Primary School
Abercynon Infants School
Alltwen Primary School
Archdeacon John Lewis
Arddleen C.P. School
Argoed Primary School
Ashgrove School
Betws Primary School
Bodfari C.P. School
Brecon Road Infants School
Broad Haven C.P. School
Bryn Bach County Primary School
Bryn Deri Primary School
Brynglas Primary School
Bryngwyn Comprehensive School
Bryngwyn Primary
Brynteg County School
Bryntirion Comprehensive School
Caehopkin C.P. School
Caereinion High School
Caerleon (Lodge Hill) Junior School
Cefn Mawr Primary School
Clase Primary School
Clydach Infant School

Coed Eva Junior Mixed School
Coed Glas Primary School
Coedffranc Junior School
Coedylan Primary School
Comin Junior Mixed School
Connah's Quay High School
Conwy Secondary PRU Unit
Cowbridge Comprehensive School
Craigfelen Primary School
Croesyceiliog School
Cross Hands C.P. School
Cross Inn C.P. School
Cwmafan Infant School
Cwmbach C.I.W. Primary School
Cwrt Henry
Deiniol C.P. School
Derwendeg Primary School
Duffryn High School
Dunvant Infant School
Dunvant Junior School
Eveswell Primary School
Ffaldau Primary School
Fitzalan High School
George Street Primary School
Gladstone Primary School
Glan Afan Comprehensive School
Glanffrwd Infant School
Grange Town Primary
Grangetown Nursery School
Greenhill Special School
Gurnos Nursery School
Gwynedd C.P. School
Hafren C.P. Junior School
Hengoed Primary School
Heol-Y-Celyn Primary School
Hillside Primary School
Hirwaun Primary School
Holy Name V.R.C. School
Hook C.P. School
Howey C.I.W. School
John Summers High School
Johnstown C.P. School
Kemys Fawr Infants School
Lewis School Pengam
Llandinam C.P. School
Llandrindod Wells C.P. School
Llanfoist C.P. School
Llangattock C.I.W. School
Llangunnor C.P. School
Llangwm VCP School
Llanhari Primary School
Llanrhidian Primary School
Llanwnnen C.P. School
Maes-Y-Coed Primary School
Marlborough Infant School
Meadowbank Special School
Millbank Primary School
Morrison Comprehensive School
Nantymoel Primary School
Neath Abbey Infants

Neyland Junior C.P. School
Ninian Park Primary School
Old Road C.P. Primary School
Pennant C.P. School
Pentyrch Primary School
Penyreglyn Primary School
Pil Primary School
Plasmarl Primary School
Pontlottyn Primary School
Porthcawl Primary School
Queen's Hill PRU
Rhosddu Primary School
Rhyd Lewis C.P. School
Rhydyfelin Nursery School
Sennybridge C.P. School
Shirenewton Junior & Infant School
St Alban's R.C. Primary School
St Asaph V.P. Infants
St Cenydd Comprehensive School
St David's C.I.W. Primary
St David's R.C. Junior & Infants
St Elfod Junior School
St Fagans C.I.W. Primary School
St Giles Junior Controlled School
St John Baptist C.I.W. High School
St Josephs C.P. School
St Mary's R.C. (A) School
St Mary's Aided Primary School
St Mary's Junior & SEN Unit
St Mary's R.C. Primary
St Monica's C.I.W. Primary School
St Peter's C.V. Junior & Infants
Sully Primary School
Tenby Junior Community School
Tonyrefail Comprehensive School
Trefnanney C.P. School
Trelawnyd V.A.
Tremains Junior School
Twynrobyn Community School
Ty Afan Primary Centre
Ty Isaf Infants & Nursery School
Upper Rhymney Primary School
Wepre C.P. School
Windsor Clive Infant School
Y.G. Abergynolwyn
Y.G. Llwyngwriil
Y.G. Nantgaredig
Y.G. Sirol Hayscastle
Y.G. Swyddffynnon
YGGD Gwauncaegurwen
YGGD Trebannws
Ynysmaerdy Primary School
Ynyswen Infant School
Ysgol Bod Alaw
Ysgol Bro Carmel
Ysgol Caer Drewyn
Ysgol Capel Cynfab
Ysgol Capelulo
Ysgol Carreg Hirfaen
Ysgol Clydau

Ysgol Croes Atti
Ysgol Delyn
Ysgol Dewi Sant
Ysgol Dyffryn Ardudwy
Ysgol Eifionydd
Ysgol Emrys Ap Iwan
Ysgol G.G. Aberdar
Ysgol Glanrafon
Ysgol Gyfun Gwyr
Ysgol Gyfun Gymraeg Plasmawr
Ysgol Gyfun Penweddig
Ysgol Gymraeg Llantrisant
Ysgol Gymuned Bryngwran
Ysgol Gynradd Beddgelert
Ysgol Gynradd Chwilog
Ysgol Gynradd Dolgellau
Ysgol Gynradd Gymraeg Lonlas
Ysgol Gynradd Llanfachraeth
Ysgol Gynradd Maesincla
Ysgol Gynradd Parcyrhun
Ysgol Gynradd Pum Heol
Ysgol Gynradd Rhiwlas
Ysgol Gynradd Santes Gwenfaen
Ysgol Gynradd Trefeurig
Ysgol Hiraddug
Ysgol Ieuan Gwynedd
Ysgol Llanbedrog
Ysgol Llanfarian
Ysgol Mair R.C. School
Ysgol Pen Barras
Ysgol Penmachno
Ysgol Porth y Felin
Ysgol Rhiwabon
Ysgol Rhydygors
Ysgol Sant Baruc
Ysgol Sant Dunawd
Ysgol Santes Tudful
Ysgol Teilo Sant
Ysgol Uwchradd Glan Clwyd
Ysgol Waunfawr
Ysgol Y Bannau
Ysgol Y Ddol
Ysgol Y Parc Infants
Ysgol y Tywyn