

TRUANCY PATROLS

**Crime and Disorder Act 1998
(Section 16)**

**Joint Protocol between Surrey County Council and
Surrey Police for the operation of Truancy Patrols**

January 2006



Purpose of the protocol

The purpose of this protocol is to facilitate the joint operation of Truancy Patrols undertaken by Surrey Children's Service and Surrey Police.

National Context

In any one year at least one million children of school age in England and Wales will play truant for at least one half day.

Young people who are absent from school without authority are vulnerable to become victims of crime or commit acts of crime and disorder themselves.

The Government and the Department for Education and Skills have sought to address these issues by making provision under the Crime and Disorder Act 1998, Section 16, to undertake truancy patrols.¹

Tackling truancy is not the responsibility of any one agency alone. The power provided under Section 16 of the Crime and Disorder Act is being used in support of local multi-agency efforts to tackle truancy in which the police, schools and local education authorities have a duty to plan and carry out initiatives to address truancy.

The Education Act 1996 states that parents and carers must ensure that their child of compulsory school age receives a full time education that is suitable for the child's age, ability and aptitude and special educational needs. This can be by regular attendance at school or education by parental provision. LEAs are responsible in law for enforcing regular school attendance. Parents or Carers who allow a child in their care to be absent from school without authority may face being issued with a penalty notice or a substantial fine and/or up to 3mths imprisonment at magistrate's court or be subject to a parenting order.

Main elements of the power

The main elements of the power set out in Section 16 of the 1998 Act are as follows:

- The section empowers a police officer to take a child or young person, who he or she has reasonable cause to believe, is of compulsory school age and is absent from school (including Pupil Referral Unit and an independent school) without authority, back to school or to another place designated by the LEA.
- The child or young person must be in a public place when the power is exercised. This includes private premises to which the public have access e.g. shops, shopping centres and arcades.
- It will be for a police officer of at least Superintendent rank to specify areas and time periods in which the power may be used.
- The power is not a power of arrest or detention nor does it make truancy a criminal offence for the child (however, it remains an offence for parents to allow their child to be absent from school without authority. If convicted, under section 433 or 444 of the Education Act 1996 parents face a substantial fine or imprisonment).

¹ This protocol should be read in conjunction with 'Home Office guidance: Powers for the Police to Remove Truants – 1998' <http://www.homeoffice.gov.uk/docs/truancy.html> and 'Department for Education and Skills: Guidance Truancy Sweep Effective Practice and Advice – July 2005' <http://www.dfes.gov.uk/schoolattendance/truancysweeps/index.cfm>

Agreed purpose for the operation of joint Truancy Patrols in Surrey to work with Schools:

- To identify children and young people who are truanting and recommend them for appropriate support from the relevant department of the LEA or other bodies
- To reduce the number of absences from schools in order to help children and young people make the most of their educational opportunity
- To prevent children and young people from becoming the victims of crime or placing themselves at risk of harm
- To reduce the involvement of children in offending or disorderly behaviour, which may escalate as a consequence of not attending school regularly.

Targeting of Truancy Patrols

To ensure the effective targeting of truancy patrols in Surrey and to ensure that they are focused on the geographical areas of highest need, the following sources of data/intelligence are taken into account to assist in the effective targeting of patrols:

- Police data regarding offences/incidence reported involving young people of school age during school hours
- School unauthorised absence rates
- Past truancy patrol data
- Local knowledge via Schools, Education Welfare Officers, Police Neighbourhood Specialist Officers, Youth Affairs Officers, Youth Police Community Support Officers, Police Community Support Officer's, Borough Wardens etc.
- Joint Action Group information on any Hot Spots in the area.

Planning for Truancy Patrols

The planning of patrols will be a joint operation. This will take into account the following points having regard to the DFES guidance:

- Jointly agreed frequency, times and dates for truancy patrols.
- Timing of operations to take into account school start and end times, and local secondary and independent school inset and academic tutoring days.
- Clear geographical boundaries are set for the patrols, usually by borough.
- Schools, including independent schools, are informed that regular truancy patrols are taking place so that they are prepared to accept children back into school who have been returned under s.16 CDA 1998 (see above).
- Contacting schools on the day to ascertain from the electronic registration system information about any persistent non-attenders who have not turned up.
- Patrolling Education Welfare Officers have with them contact lists of alternative education providers and adjacent local authority schools.
- A short briefing is held before and after each patrol for all personnel involved, jointly led by a police officer and EWO. The briefing should consider:
 - Any current local issue to be taken into account
 - Checks to be carried out on CIS and copy forms to be shared after the patrol.
- Local Authorities are responsible for identifying a "designated place" where police officers can take truants as an alternative to returning them to school. Police Officers of the rank of superintendent or above are responsible for specifying the area and times that police officers use their powers.

Agreed Resources

It is the intention of truancy patrols to stop all young people who are out of school and appear to be of compulsory school age.

In order to achieve this there will be a jointly agreed level of resource required to meet the needs of each truancy patrol i.e.:

- At least one marked police vehicle, depending on the area, for transportation of children and young people found truanting
- Usually at least 2 EWO's and 2 Police officers (Youth Affairs Officer/Neighbourhood Specialist Officer) per patrol.

The Truancy Team Manager will take responsibility for ensuring that up to date Risk Assessments are in place. Each individual agency will take responsibility for carrying out their own risk assessments.

Approaching Young People who are accompanied by an adult

In those circumstances where the child or young person approached is in the company of an adult, suitable enquiries will be made to verify the legitimacy of the child's absence from school and, where appropriate, the accompanying adult's reasons for keeping the child out of school will be challenged. Checks will be made to ensure that the accompanying adult is a suitable person to be with that child. The Truancy Stop Form will be completed and details of both the child and the adult will be taken.

Approaching Young People who are alone and appear to be of statutory school age

In those circumstances where the child or young person approached is not authorised to be out of school and is NOT accompanied by an adult, arrangements will be made for them to be taken back to their school or to the designated place. Head Teachers are required to contact parents once they have been returned to school.

If the child is stating that he or she is unwell arrangements should be sought to return the child to their parent, home or to an appropriate adult. If this is not possible the child will be taken to the designated place until contact is made.

Young people who have been verified as excluded by school, those who state that they are Home Educated or those not receiving a suitable education should be returned home, or if necessary after contact with their parent left with a suitable adult. Parents have a duty to supervise their children when they are not in school. If no contact can be made immediately the child will be taken to their school or the designated place until contact is made.

Home-Educated pupils are followed up with the Lead Advisory for Education by Parental Provision.

In ideal circumstances all children will be dealt with as above. If the parent has been contacted and states that the child can go home unaccompanied and remain in the house alone, a risk assessment will be made by both officers, taking the age, understanding and the vulnerability of the child into account. In most instances a child will be taken home and each case will be dealt with in its own merits.

A child found breaching an Anti Social Behaviour Order will be dealt with by the Police Officer according to Surrey Police procedures.

All pupils on roll stopped by a patrol are followed up in writing with the Head Teacher, and their attendance is checked. All out of county children are followed up in writing to the home LEA.

Parents/Carers of pupils subsequently identified as having a poor attendance will receive a Penalty Notice warning letter informing them that the child's attendance must improve within 15 school days. Failure to improve attendance may result in a Penalty Notice being issued. The fine of £50 is payable within 28 days, failure to comply will increase the fine to £100. After 42 days if the fine is not paid the matter will be taken to court and the parents/carers will be prosecuted under Sct 444, Education Act 1996.

Any other issue regarding the child's education or welfare will be followed up in accordance with The Truancy Team Protocol.

Exercise of police powers whilst engaging in truancy patrols

From time to time the police officers engaged on truancy patrols will need to exercise their powers of removal under Section 16 of the Crime and Disorder Act 1998. In these instances a police officer and an EWO will take the child or young person either to their school or the agreed designated place, using the marked police vehicle provided for the truancy patrol. This will ensure the safety of the child or young person and allow for the remaining police officer and EWO to continue with the patrol.

There will be instances where other matters or offences are identified during the course of truancy patrol work where the police officers may need to exercise other powers available to them (e.g. a need to take a child into police protection or deal with an alleged offence). Where it is a case of taking a child into police protection, the above procedure in relation to the use of designated places will be followed. Where offences are alleged, every effort will be made to secure relevant evidence at the time and where it is necessary to affect an arrest, a Police Response Unit will be called to assist with the arrest and subsequent investigation. EWOs will not be involved in the investigation of alleged offences, arrest or transportation under arrest.

Safeguarding Children & Young People in Accordance with ACPC Procedures

Officers on patrol may encounter children with housing, domestic or other issues. Sufficient information should be gathered to support follow up enquiries or referral. The EWO will be responsible for following this up.

Any child protection issues which come to the attention of officers whilst carrying out a Truancy Patrol will be dealt with in accordance with the ACPC Surrey Child Protection Procedures manual. If there is no immediate risk of significant harm to a child at that time,

the matter will be reported as soon as practicable to the relevant Children's Service Assessment Team and/or the Police Child Protection team. If a child is deemed to be at "immediate risk of significant harm", the Police Officer will take the child into Police Protection in accordance with Sct 46 of The Children Act 1989 & Surrey Police Procedures. Police Officers will ensure that in all such cases 39/24 forms (**see appendix one**) will be completed to the Public Protection Information Unit. SCC will complete the Inter- Agency Referral Form if necessary.

Communication & Publicity

The Data from these patrols should be circulated termly to all interested parties. (Crime & Disorder Reduction Partnership, Police, Children's Service Teams, Local Education Officers, Borough Community Safety Officers, Youth Offending Teams and Schools.)

A joint press release will be issued regularly and will inform the press and the public about the work carried out within Surrey to combat truancy.

Monitoring and Evaluation

Monitoring and evaluation of the performance of Truancy Patrols will be carried out by the Truancy Team manager in partnership with the Surrey Police Analysts based on each division. Data obtained from the truancy patrols will be used together with traditional police data on crimes and incidents to produce the following reports:

- Information to target and focus patrols in areas where the incidence of young person crime and disorder (committed or experienced) is higher during school hours
- Changes in young person crime and disorder levels
- Changes in young person victim levels
- Changes in the frequency levels of truancy (both in numbers and location)
- Changes in repeat truancy and associated crime and disorder levels.

Reports to assist with the targeting and focus of patrols will be made available to the Truancy Patrol team and Borough Inspectors by the Surrey Police Divisional Analysts on a quarterly basis. Reports on Truancy Patrol activity and the evaluation of associated crime and disorder will be made available by the Truancy Team Manager to Crime and Disorder Reduction Partnerships, LEA's, schools and BCU Commanders on a quarterly basis.

Joint targets and performance indicators will be agreed by Surrey Police and Surrey Children's Service on a yearly basis. This will be agreed in consultation with Crime and Disorder Reduction Partnerships and local schools.

Exchange of personal information

Section 115 of the Crime and Disorder Act 1998 and Children Act 2004 ensures that **education authorities** have a legal power to disclose information – including for example the names of children and young people truanting – to the police for the purpose of the truancy provision. The requirements of other legislation, including those listed below, also need to be taken into account in exercising this power, as will certain other requirements.

- Freedom of Information Act
- Data Protection Act
- Children's Act
- Human Rights Act
- Common Law Duty of Confidentiality

The information exchanged between Surrey County Council and the police in the execution of truancy patrols will often be of a sensitive or personal nature and to facilitate this exchange all key statutory agencies in Surrey have signed up to the Surrey Crime and Disorder Information Sharing Protocol. Surrey Community Safety Unit retains a list of signatories. Additional signatories may be added but must make sure their data protection registration is amended appropriately.

A copy of the protocol and accompanying guidance notes are available from the Surrey Community Safety Unit website www.surreycsu.org.uk

Signatories

Richard Shaw
Chief Executive
Surrey County Council

Robert Quick
Chief Constable
Surrey Police

This protocol was developed by a multi-agency working group following a joint review of Truancy Patrols, undertaken by Surrey Police Force Improvement Inspectorate and Surrey Community Safety Unit.

Working Group:

Paul Foster, Head of Performance, Resources and Development, Surrey Children's Service
Gail Chalkley, Development Manager Welfare and Protection, Surrey Children's Service
Marilyn Parsons, Truancy Team Manager, Surrey Children's Service
David Hollingsworth, Inspector, Surrey Police
Ed Shaylor, Director, Surrey Community Safety Unit
Ian Dewar, Research, Information & Policy Officer, Surrey Community Safety Unit
Louise Perry, Partnership Development Officer, Surrey Community Safety Unit

For further information please contact:

Marilyn Parsons, Truancy Team Manager, Surrey Children's Service
Tel: 01483 517841, Email: marilyn.parsons@surreycc.gov.uk

SURREY POLICE

39/24 Form

CHILD OR VULNERABLE ADULT COMING TO NOTICE OF POLICE

CPT/Ref VA		Nominal			CIS No	
SUBJECT'S DETAILS					CHILD	VA
		y/n		y/n		
Surname				Forename/s		
Sex M/F	Ethnic Origin 1-7		DOB		Place of Birth	
Home Address					Post code	
Informants Details						
Tel No's	Home			Mob		
Current location of Child or vulnerable adult				School attended		
FAMILY DETAILS						
	Surname	Forename/s	DOB/age	Relationship to subject	Nominal/PNC	Address (if different to subject)
1						
2						
3						
4						
5						
6						
CIRCUMSTANCES (include physical condition of subject, the home and the apparent vulnerability)						

Date/time/place of incident.

OFFICERS TO COMPLETE

1	Do you have any concerns for the welfare or safety of the child/VA?	Y/N
2	Is this a domestic abuse incident?	Y/N
3	If yes – did subject witness incident?	Y/N
4	Has subject expressed concerns for themselves/others?	Y/N
5	Do you feel subject is at risk now?	Y/N

If the answer to any of the above is 'yes' – please give details below

Action taken to date

INFORMATION SHARED WITH

Agency	Date	Name
Youth Affairs Officer		
L.I.O		
Children's Services		
School		
G.P/Health		
Mental Health Team		
Social Care Team for adults		
Other professionals involved		

THIS FORM TO BE COMPLETED BEFORE TERMINATION OF DUTY AND SENT BY EMAIL TO CPT / DV / VA MAILBOX

USE ONE FORM PER FAMILY

DETAILS OF CIS/PNC MUST BE DELETED WHEN FORWARDED TO OTHER AGENCIES

REPORTING OFFICER

RANK		FIN		NAME	
DIV/UNIT				DATE	

Reference Number: / / /0

Borough:



TRUANCY PATROL RECORD SHEET

Section 16 Crime & Disorder Act 1998

Surname of Student..... First Name.....

Home Address.....

..... Post Code.....

Tel No..... Date of Birth.....

Sex M / F Ethnic Origin..... Tutor Group.....

School
Attended..... Town.....

Name of Parent/Carer.....

DETAILS of STOP

Date...../...../0 Time.....hrs Place/Road.....

Town..... In Shopping Area... Yes/No

Name of Officer PC..... EWO.....

Explanation.....

.....

Person accompanying pupil/other pupils.....

.....

Any other useful information:.....

.....

ACTION TAKEN

Telephoned school.....

Pupil removed to own school/ taken to designated school

Taken Home Yes/No..... Parent Seen.....

Left with parent or carer/or if left alone,what destination?

Case open Yes/No EWO.....