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# Off School, In Court

An Experimental and  
Psychiatric Investigation  
of Severe School  
Attendance Problems



Springer-Verlag

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*An Experimental and Psychiatric  
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# Compulsory Education and Failure to Go to School

## Origins of Compulsory Education in Britain

(Ball, 1973; Curtis, 1967; Pallister, 1969)

Legally enforceable education developed gradually in the 19th and early 20th centuries. The Elementary Education Act of 1870 created school boards and encouraged them to get local bylaws passed to compel attendance at school and set a school-leaving age. Following this Act, some authorities complied, but many did not. School boards and school attendance committees were created and officials were appointed whose job it was to ensure that children went to school. They were known as board men or attendance officers. Parliamentary statutes that followed the 1870 Act gradually created a national legal framework for compulsory education. By the turn of the century there was an Act of Parliament setting the school-leaving age at 12. However, it was only after the Education Act of 1918 that all children in the country from age 5 to 14 had to be educated in an approved manner.

In the 19th century, children were extensively employed in factories, mines, and agriculture. Families often relied on their wages to keep going. Gradually laws were passed that limited the extent to which children were allowed to be employed. Compromises were sometimes struck, as in the textile industry, so that children worked part-time in a factory and spent the rest of the time in school.

Social conditions were often very poor. Disease and early death were frequent. Parents were often unimpressed with the value of schooling and could not afford school fees. There were also problems because schools at first were run mostly by voluntary, often religious, organizations. There were an insufficient number of schools and the ones that did exist were scattered unevenly throughout the country. School buildings, facilities for education, teaching methods, and the teachers themselves usually left much to be desired. Pupils often gained little from attending.

Early in the 19th century, only a small proportion, about 5%, of children were enrolled at a school at any one time. The proportion increased to nearly 15% by

the middle of the century, but, even so, at least 10% of children never received any schooling at all. Children who did go to school were generally very young. In 1850 half of those enrolled were under 9 years of age. Few stayed to 14 or beyond. Many children only went to school for a few months. More boys tended to go to school than girls.

There were some attempts, other than legal ones, to ensure that children attended school. In the early part of the 19th century, the London Lead Company arranged for schools to be set up in the northeast of England. To gain employment in the firm, a young person had to show evidence of having gone to school regularly. In other situations, schools were known to fine absentees or display lists of those who were on the roll but did not attend. The distribution of welfare clothing at schools was a common practice and this must have encouraged attendance.

Much of the contents of this book concerns the city of Leeds in West Yorkshire. Conditions there in the middle of the last century were typical of the period. Half of all deaths in the then "West Riding" of Yorkshire in 1850 involved young people under age 15. By 1870 there were about 50,000 children in Leeds who should have been attending school. Only about half that number of places existed. Schools in the city at that time were generally unsatisfactory and did not provide a proper education, according to a government survey. The school board created by the Act of 1870 immediately got to work and arranged for a bylaw to be passed to enforce attendance. Of the children enrolled, average attendance was about 65%. This rapidly improved to about 90%.

Relevant to the legal enforcement of school attendance are the special provisions made in the first quarter of this century for children appearing in court because of juvenile delinquency or inadequate parental care. Special day and residential schools were opened for these children. Industrial schools already existed where children could go to be taught a trade. Magistrates could send children there when they failed to go to ordinary school (see the Appendix at the end of the chapter). Parents could make their own arrangements for their child to go there if they preferred them to attend a day industrial school rather than a normal one. The Children Act of 1908 set up remand homes where children could be sent for a month awaiting disposal by the courts. There was a system of so-called "reformatory school" as well. By and large, industrial and reformatory schools became "approved schools" following the Children and Young Persons Act of 1933.

## Compulsory Education Today (Reid, 1985)

Now most children in Britain attend state schools. A distinction has been made between primary education, which usually continues until the age of 11, and secondary education. The important 1944 Education Act provided for free primary and secondary education on a national basis. Some children attend private schools. Very occasionally parents arrange for their children to be taught at home. The fact that this is permissible shows that compulsory school attendance does not exist in the United Kingdom if you have the resources, but of course most

people do not. Under the 1944 Act, parents have a duty to provide their children with schooling suitable to their age, ability, and aptitude. This means that, except in very unusual circumstances, children must attend an appropriate school. State schools are run by local education authorities (LEAs) with oversight from the government Department of Education and Science. A few years after the 1944 Act, the school-leaving age was raised to 15 and in 1973 it became 16.

Under Section 39 of the 1944 Education Act, when a child fails to attend school it is the parents who are legally responsible. Absence is permitted when a child is ill and in a few exceptional circumstances, such as religious holidays. Section 40 of the Act makes it the *duty* of LEAs to prosecute parents who fail to ensure that their children attend school satisfactorily. Magistrates may then decide to have the children taken to juvenile court as well, since failure to go to school is grounds for care proceedings under Section 1 of the Children and Young Persons Act of 1969. However, LEAs often initiate care proceedings directly in the juvenile court under Section 1 of the Children and Young Persons Act 1969 without taking the parents to adult court. An Appeal Court judgment (DJMS [a minor] 1977 3 All ER) delivered by Lord Denning made it clear that under the Children and Young Persons Act 1969 even a child from a good home who is well behaved is still in “need of care and control” when he or she is not receiving efficient full-time education (Newell, 1983). That is, failure to attend school is sufficient grounds for a care order. The fact that a duty to prosecute parents, and powers to take children to juvenile court under care proceedings, exists does not mean that they are always or even often used when children fail to attend school. Unjustified absence is by no means uncommon, whereas the use of court action to deal with failure to go to school is relatively infrequent.

The 1944 Education Act renamed attendance officers as education welfare officers (EWOs). This helps to underline their role in school transport, clothing, and other aspects of “welfare” in addition to their function in dealing with unjustified absence from school. The education welfare service provides a link between school, home, and the law. EWOs have the legal right to visit the homes of children who fail to go to school. Schools may contact parents directly when children are absent without good reason or they may go through the education welfare service. When efforts of schools and EWOs to improve attendance fail, the education welfare service may send letters to parents warning of possible legal action. In some parts of the country, parents and children are invited to attend a school attendance committee. Sometimes referral to the school psychological service or a child psychiatric service is instituted. Special educational placements may be arranged. It is usually only after these measures have failed that prosecution of parents or instituting of care proceedings is normally considered (Clark, 1976).

Since the first decade of this century, children in court have generally been dealt with by magistrates separately from adults who are prosecuted. The Children Act of 1908 was instrumental in establishing a nationwide system of juvenile courts. A considerable distinction is made between *criminal* proceedings, where matters of “justice” are given a lot of weight, and *care* proceedings,

where the child's "welfare" is considered of prime importance. Children who are taken to court because of failure to attend school are dealt with under care proceedings and are not considered to be juvenile delinquents (Farrington, 1985). They are treated like children who go to court because of inadequate parental care. Nevertheless, problems connected with school attendance have distinctive features and what happens to children who come to juvenile court reflects this.

When a child comes to juvenile court because of failure to go to school satisfactorily, various courses of action may be adopted. Once the case is proved, magistrates may adjourn the proceedings to obtain social enquiry reports or may consider that admission to an observation and assessment center is required, so that the child can be observed over a few weeks. These centers have replaced the remand homes of the past. Children usually have to reside there. They are sent to these centers on an interim-care order. At any stage, magistrates may consider that a full-care order is justified. This means that the social services department of the local authority looks after the children and may arrange for admission to community homes, which is what children's homes are now called, or even to community homes with education (CHE), which have replaced the former approved schools. However, less drastic disposals are usually employed. A supervision order may be made that gives the local authority social services department the responsibility of arranging for a social worker to provide the child with supervision over a specified period, usually 1 or 2 years. Sometimes magistrates adjourn the proceedings for 1 to several weeks, in the hope that when the child comes back to court at the end of that time, school attendance will have improved sufficiently for no order to be required at all. When this happens, the case is designated as "no order made" or the proceedings are adjourned *sine die*. The procedure of repeated adjournments to see if improvement occurs has traditionally been called a "trial of attendance" (Berg, 1980a).

## Absence from School

Reliable figures concerning school attendance in Britain are hard to come by, despite various national and local surveys over the years. It would seem that overall attendance has remained at about 90% on average for most of this century, despite considerable variation between ages, sexes, parts of the country, time of the year, and other factors. Apparently, secondary school attendance in London has been around 80% on average for most of the 20th century. The National Child Development Study, which repeatedly followed up a cohort consisting of all children born in 1 week of March 1958 in the United Kingdom, looked in some detail at school attendance when these children were aged 7, 11, and 16 (Fogelman and Richardson, 1974; Fogelman, Tibbenham, and Lambert, 1980). As far as average attendance was concerned, 11-year-olds were at school between 90% and 95% of the school year. There was considerable variation between various parts of the country and between types of school. Grammar schools with a selective intake of

brighter pupils had better attendance overall than secondary schools without selective intake, the comprehensives. Boys went to school on the whole slightly more than girls. Poor attendance was also clearly related to poor social circumstances. There had been a substantial improvement in attendance between the ages of 7 and 11. Poor attenders at age 11 tended to be less able pupils. This relationship between unsatisfactory attendance and low achievement was more clearly evident at age 15. Older secondary school children showed a falling off in attendance. Even so, at age 14 the children in the survey were still attending school about 90% of the time. Attendance dropped a few percent in the last 2 years of compulsory schooling. These findings are, on the whole, supported by other longitudinal and cross-sectional studies of school attendance in Britain. There is some evidence that, in the dozen or so years since the 16-year-olds were studied, the attendance of older secondary school children has declined further.

A recent survey in Leeds (Berg et al., 1987) followed up two cohorts of children. One of them comprised about 1800 children who were studied over 3 years from age 14; the other consisted of approximately 1900 14-year-olds observed over 2 years. The average level of attendance, differences between boys and girls, fall off in attendance towards age 16, and variation between schools, were not all that different from what was found in the National Child Development Study (see Chapter 2).

## Reluctance to Attend School

Population studies have also been used to study the attitudes of children toward school and their willingness to go. One longitudinal survey involving only about 160 children (Moore, 1966) was carried out in London. It showed that, after starting school at age 5, as many as four fifths of all children showed some reluctance to attend school, although it was only of significant proportions in about a third of the group. By the end of primary education at age 11, serious problems had almost disappeared, although less severe ones still persisted in about a fifth of the children. Boys had more problems than girls throughout the primary school years.

A cross-sectional survey undertaken on a 1-in-10 random sample, involving about 6,500 pupils, of all children aged 5 to 15 attending local authority schools in the county of Buckinghamshire in 1961 and using data supplied by parents and teachers, showed that 5% of boys and 3% of girls were said to dislike school throughout the primary school years (Mitchell and Shepherd, 1980). There was a slight increase after age 12, but it was only in secondary school between ages 11 and 15 that dislike of school was associated with increased absence. Children who disliked school were generally less successful academically and less interested in their work than other children. Boys who disliked school, but not girls, were described as uncooperative there.

A third survey (Newson and Newson, 1977) carried out on nearly 700 Nottingham children ages 7, based on information supplied by parents, indicated that

about one tenth often did not want to go to school. These children often pretended to be unwell.

### Truancy (Berg, 1980a, 1983)

Failure to go to school without an acceptable reason, such as *bona fide* illness, is commonly referred to as *truancy*. More traditionally, the term truancy is used for unjustified absence from school without the knowledge or approval of parents. Measurement of truancy is difficult. It is of course a matter of judgment on the part of children and parents and doctors, when they are consulted, whether any illness is sufficiently severe to justify not going to school. Children tend to complain of feeling ill when they do not wish to go to school. Like illness, parents' knowledge of a child's absence is not always easy to establish. Parents may be at work all day. They may suspect their child is not at school without knowing conclusively. Even when a child remains at home with a parent during school hours, it does not necessarily signify parental approval of absence. Sometimes parents feel powerless to act and allow their child to stay home when they should be at school without really approving of it.

Various measures have been employed to estimate truancy. Attendance records have sometimes been used. Even though most absence from school is probably justified on the grounds of illness, differences between children in the rates of absence are useful indicators of truancy. In Leeds in 1982–1983, 2% of all 13- to 15-year-olds were absent over half the time. Claims that children frequently attend for roll call and are registered as present at school but subsequently slip away have little support in research studies. Teachers' estimates are often taken as the best measure of truancy, for want of anything better. Pupils' own reports of truancy have sometimes been used, but the nature of the problem makes their reliability particularly suspect. Likewise, parental reports are unsatisfactory, because parents often do not know when their children are not in school and, because they are legally responsible to keep their children in school, they would be unwilling to report any absences.

Truancy in the National Child Development Study was measured using teachers' reports. It was considered that among primary school children, regular unjustified absence affected about 1%. There was a substantial increase in secondary school, and between the ages of 14 and 16 the prevalence of truancy was thought to be around 10%. At age 11 and at age 16, it was found that boys were truanting more than girls, that truancy increased in the lower socioeconomic groups, and that parents of truants were less obviously interested in their child's progress at school than were other parents. Truancy was more prevalent in schools without a selective intake of bright pupils. Interestingly, no relationship emerged between objective features of the schools and truancy. Size of school was not relevant.

In another longitudinal survey, the Cambridge Survey in Delinquent Development, truancy and its features were studied, as well as delinquency (Farrington, 1980). A group of boys in six schools in one of the poorer parts of London was

followed up every 2 years while they were still at school. Approximately 5% of these pupils were truanting, according to teachers' reports, when they were aged 8, 10, and 12. The proportion of truants virtually doubled by age 14. Straightforward attendance figures were a little lower than those found in the National Child Development Study, possibly reflecting the socioeconomic status of the children's families. At age 12, average attendance was not far short of 90%, but it was nearer 80% by age 14. In both longitudinal studies, the worst attenders among secondary school children, those with average attendance of less than 70%, were more likely to be identified as truants by teachers. The Cambridge Study showed that family backgrounds of truants assessed before the onset of truancy were more likely to reflect adverse social factors, such as criminality, psychiatric illness, and friction between parents, than those of children who did not become truants. Truancy affecting secondary school children was best predicted by disruptive behavior in the preceding primary school years. It also appeared that disruptive primary school children tended to be selectively taken into particular secondary schools, and in this way led to differences between secondary schools in truancy rates.

Nevertheless, it does seem that as well as family life and characteristics of truants themselves, features of schools attended may influence the problem of truancy. This was suggested by a survey of boys at nine so-called secondary modern schools in Wales (Reynolds et al., 1980). These were schools taking less-able pupils who failed to pass a competitive test at 11 years of age. In the part of Britain where the study was carried out, it appeared that the population was more homogeneous in relation to social class than in many other places, and differences between schools in absence rates were not considered to be due to selective intake of children from different backgrounds. There was a considerable degree of stability in absence rates for these schools over several years, and quite appreciable differences between them. It emerged that the more "custodial" regimes were associated with high rates of absence. More contact between school and home was associated with better attendance. Another important survey of 12 secondary schools in London (Rutter et al., 1979) showed considerable differences between them in absence rates. Differences between schools in the behavior of their pupils could not be entirely accounted for in terms of individual or family characteristics. As far as features of the schools themselves were concerned, neither size nor other physical characteristics seemed important. Their ways of functioning, however, were thought to be important, such as how teachers acted, how much responsibility was given to pupils, what sanctions were used, and how much emphasis was placed on academic achievement.

## School Refusal (Berg, 1985a; Berg, 1980b)

Failure to attend school is sometimes due to what seems to be an emotional difficulty in getting to school, which is called school refusal or school phobia. Affected children become emotionally upset at the prospect of having to go to school and stay at home without attempting to conceal their absence from the family. Their

parents appear to make reasonable attempts to overcome the problem. It can be argued that absence from school under these circumstances is justified because illness is responsible, albeit psychiatric illness. Even though school refusal appears to be due to a neurotic disturbance, and allowances sometimes need to be made for appropriate medical treatment to be given, current psychiatric opinion does not favor excusing a child from the requirement to attend school because of this condition. Quite the contrary, compulsory school attendance is seen as a helpful form of pressure on child and family that provides a useful stimulus in enabling them to overcome this excessive aversion to attending school.

School refusal can be quite difficult to identify, particularly when it masquerades as physical illness (Waller and Eisenberg, 1980). Many school refusers complain of physical symptoms such as nausea, vomiting, diarrhea, frequency of micturition, and abdominal pain, which clearly reflect fearfulness when a child is faced with the imminent prospect of having to go to school. However, sometimes symptoms occur that are less obviously psychological and it can be quite difficult for the medical adviser to come to a firm conclusion that the problem is one of school refusal and not genuine physical illness. Another difficulty in identifying school refusal arises when manifestations of obvious fearfulness are absent and the main emotional reaction is one of anger and defiance.

The problem of school refusal affects boys and girls equally and is not associated with adverse social factors. It occurs most commonly in the early teenage years. School refusal, although quite often encountered by child psychiatrists among young people referred to clinics for treatment of emotional problems, is relatively rare in the general school population. When the entire 10- and 11-year-old normal school population of the Isle of Wight was surveyed, one or two clear-cut school refusers were identified, and when the same children were observed again at age 14, only 15 school refusers were found.

## School Withdrawal

Surveys of severe and persistent absentees from school in Sheffield, a northern England industrial city, carried out on primary and secondary school children in 3 consecutive years from 1975, based on ratings made by education welfare officers, suggested that about 15% of the children were out of school with their parents' knowledge and consent (Galloway, 1985). Because school refusal is clearly a psychiatric problem and affected children are often treated at clinics, there is a vast literature on all aspects of the condition. Children who truant without their parents' knowledge, at least initially, and without their parents' approval, are also quite often referred to clinics, and a certain amount has been written in the psychiatric literature about this sort of truancy for that reason. Condoned absence without the evidence of emotional disturbance, which tends to characterize school refusers, or the features of conduct disorder, such as poor personal relationships, aggressiveness, destructiveness, and deceitfulness, which tends to accompany truancy seen in clinics, forms quite a high proportion of the work of

the education welfare service. However, little has been written on it. Children may be allowed or even encouraged to stay away from school by neglectful and irresponsible parents, and factors such as physical or mental handicap, broken homes, psychiatric illness, and sociopathic behavior that affect the family may make an important contribution. Cultural factors may also be relevant.

## Excessive Absence from School

It has been found useful to look at the extent and persistence of absence from school as well as average attendance figures. A survey carried out in Britain, which was incorporated in an influential report on education, suggested that about one tenth of primary school children attended school less than 80% of the time (Plowden, 1967). In the National Child Development Study, poor attenders were considered to be children who went to school less than 85% of the time (Fogelman and Richardson, 1974); about one tenth of the cohort at age 11 were thus designated. It has been claimed that there is a hard core of poor attenders who miss one fifth of the time in school on average (Eaton and Houghton, 1974). Two surveys carried out in Sheffield in the early 1970s investigated prolonged unjustified absence over periods of several weeks (Galloway, 1985). Teachers identified children who had missed more than half the time in school, and educational welfare officers indicated those in whom at least half the absence was attributable to illness. The remainder were called persistent unjustified absentees. Half of a percent of primary school children and about 2% of secondary school children were found to be in this category. In the last year of compulsory schooling, the percentage was approximately 4%.

## Management of Truancy (Berg, 1985b)

Absence from school, because of its educational, social, psychiatric, and legal aspects, is dealt with by a variety of agencies in many different ways. This is already apparent from what has been said above. The severity and persistence of the problem, the way it comes to light, and local patterns of services will influence how it is handled. The school is in a good position to institute preventive measures and take prompt action when truancy is suspected. Two quite different approaches appear to have had considerable success. In one report of a London comprehensive school (Boyson, 1974), great care was taken to ensure that children remained in class by carrying out random spot checks. Any unexplained absence was dealt with by contacting one of the parents immediately on the telephone. Rewards were given for good attendance and a pride in regular attendance was encouraged among the pupils. In another report (Jones, 1980), attempts were described to create a more relevant curriculum for the older child than is often provided and contact between home and school was encouraged.

Special units have been set up by education authorities in some parts of the country which provide teaching in small groups in a personal and informal way. It would seem that some truants are prepared to attend these special educational facilities regularly, when they are given the option, rather than go to their normal school. Units of this sort may provide the answer for a few children who truant, but tend to be costly to run and do not usually provide anything like a normal school environment or a normal curriculum (Galloway, 1985; Sproule 1974).

A survey in Croydon, a large conurbation south of London, compared children who were referred to child guidance clinics and those who were taken to juvenile courts because of delinquency (Gath, Cooper, and Gattoni, 1972). It was found that these groups of children differed little from each other in their social circumstances or the types of schools they attended. It seemed likely that it was a matter of chance whether a child with antisocial tendencies was referred for treatment or ended up in court. In the same way it can be fortuitous whether truancy is dealt with by the school psychological service (Galloway, 1980), a child and adolescent psychiatrist (Hersov, 1960), or an education welfare officer.

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