

Dublin City University

Institute of Education

**The Practice of Prosecuting Parents for the School Non-Attendance of  
their Children in Ireland: A Review of Prosecutions made during 2006-  
2013 under the Education (Welfare) Act 2000**

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Submitted in Partial Fulfilment of the Requirements for the award of the Degree

Doctor of Education

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## **Declaration**

I hereby certify that this material, which I now submit for assessment on the programme of study leading to the award of Doctor of Education is entirely my own work, and that I have exercised reasonable care to ensure that the work is original, and does not to the best of my knowledge breach any law of copyright, and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged within the text of my work.

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## **Glossary of Terms**

AAR	Annual Attendance Return
BOM	Board of Management
DCYA	Department of Children and Youth Affairs
DES	Department of Education and Skills
ESL	Early School Leaving
EWO	Educational Welfare Officer
EWS	Educational Welfare Service
HSCLS	Home School Community Liaison Scheme
LA	Local Authority
LEA	Local Education Authority
NEWB	National Educational Welfare Service
RSO	Regional Staff Officers
SAN	School Attendance Notice
SAR	Student Absence Report
SEWO	Senior Educational Welfare Officer
SCP	School Completion Programme
TUSLA/CFA	The Child and Family Agency

# **The Practice of Prosecuting Parents for the School Non-Attendance of their Children in Ireland: A Review of Prosecutions made during 2006-2013 under the Education (Welfare) Act 2000**

**Glenn Perry**

The most recent figures in Ireland show that in 2014/15 approximately 56,400 students missed school every day with 11.1% of primary school pupils and 16.2% of post-primary students absent for 20 days or more throughout the school year (Millar, 2016a). In 2009/10, roughly 30% of students in disadvantaged schools were absent for twenty days or more compared to 15.3% in non-disadvantaged schools (Millar, 2012). The legislation used for enforcing compulsory school attendance in Ireland is the Education (Welfare) Act, 2000. The primary focus of this Act is to ensure that every child receives an education, while at the same time, addressing the needs of children who do not attend school regularly. A parent can be prosecuted for “*failing or neglecting*” (22) to send their child to school and can receive either a fine or a custodial sentence if found guilty (Government of Ireland, 2000). A parent may be issued with a School Attendance Notice (SAN) only after efforts have been made to improve their child’s non-attendance. If the school attendance continues to remain a concern, the parent may then be summonsed to court. To date 2,990 SAN’s and 766 prosecutions for school non-attendance have occurred since 2006.

The thesis examines the prosecution of parents for the school non-attendance of their children in Ireland. It explores trends and patterns in relation to prosecutions made under the Education (Welfare) Act 2000 between 2006 and 2013. It examines the perceptions of educational professionals and parent representatives in relation to the prosecution of parents for the school non-attendance of their children. The study adopts a mixed methods strategy as the best way of answering the research question. Initially, Quantitative data is collected and analysed providing a general insight into the research problem. The research also investigated and examined the attendance details of all prosecutions initiated in 2011 which involved analysing non-attendance figures for each case, over three academic years. In order to gain a deeper understanding of the problem, four focus groups were set up across the country. Three of the focus groups consisted of a mixture of educational professionals while the fourth focus group consisted of participants that support parents and children from a range of different agencies such as youth work, family support, community development and mental health.

## **CHAPTER ONE: INTRODUCTION**

### **1.1 Introduction**

This thesis examines the prosecution of parents for the school non-attendance of their children in Ireland. It explores trends and patterns in relation to prosecutions made under the Education (Welfare) Act 2000, between 2006 and 2013. It also examines the perceptions of educational professionals and parent representatives in relation to the prosecution of parents for the school non-attendance of their children. This chapter begins by presenting a general overview of the research topic. As a number of significant changes have taken place over the past number of years, the developments within the Educational Welfare Service (EWS) are presented. Next, the general educational problem and its significance in the field are then explored. Following this, the aims and objectives of the study and the research questions are summarised. Subsequently, the theoretical frameworks employed in the thesis are examined. Next, the ontological, epistemological and author's perspectives are outlined. Finally, a summary of the thesis structure and contents are presented.

### **1.2 Overview**

In Ireland, parents have the primary responsibility for ensuring that their child either attends school or receives a minimum education by some other means such as home schooling. If the EWS has evidence that a parent is "*failing or neglecting*" (Government of Ireland, 2000: 22) to send their child to school they can initiate legal proceedings, which may result in that parent receiving a fine or even a custodial sentence, if found guilty. There has been no research to date on the prosecution of

parents, in the Irish Courts, for the school non-attendance of their children. This thesis will be the first to investigate that field, although it will be confined to those cases where legal proceedings have been initiated by the EWS against a parent for “*failing or neglecting*” (Government of Ireland, 2000: 22) to send their child to school.

Each year the EWS collects data on all cases where parents are issued with a School Attendance Notice (SAN) or with a Summons. Prior to any research being conducted, the author obtained written permission from the board of the EWS to examine and analyse the SAN and Summons databases from 2006 to 2013. It was decided to make the examination of this data the first phase of a sequential explanatory mixed method design. The plan was to begin by collating and analysing a number of datasets collected by the EWS which gave information on school attendance legal cases. A second stage of the research investigates the impact of legal proceedings on individual cases. This involved developing a template for collecting attendance data on all children whose parents were prosecuted by the EWS in 2011. For the purpose of this research Educational Welfare Officers (EWO) were requested to provide attendance figures for a number of years on cases taken to court in 2011. It was hoped that this research on the Quantitative data would provide a general insight into the research problem.

In order to gain a deeper understanding of the school non-attendance problem, the decision was taken to explore the views and experiences of a number of different professionals that had experience regarding the practice of prosecuting parents for the school non-attendance of their children. The focus groups were set up in Co. Galway,

Co. Offaly and Co. Dublin. Three of the focus groups consisted of a mixture of educational professionals such as EWOs, SEWOs, regional managers, primary school principals, post-primary school principals and SCP coordinators, each with distinct roles and responsibilities in the area of school non-attendance<sup>1</sup>. The participants also worked in different educational settings and services across the country. They worked in rural, urban and city areas both in primary and post-primary schools and schools with different DEIS categories. The fourth focus group consisted of professionals that support parents and children in a variety of ways from a range of different agencies such as youth work, family support, community development and mental health<sup>2</sup>.

### **1.3 The Educational Welfare Service**

In May 2009, the then Minister of State at the Department of Education and Skills (DES), Sean Haughey, announced that the government was extending the remit of the EWS. It directed the EWS to develop a single strategic approach for maximising school attendance, participation and retention with a view to improving educational outcomes for all children and young people. The strategy developed by the EWS envisaged an integrated School Support Programme (SSP), which would draw on the skills, knowledge and expertise of four unique educational services –The Home School Community Liaison Scheme (HSCLS), The School Completion Programme (SCP), The Visiting Teachers Service for Travellers (VTST) and the Education Welfare Service (EWS). However, in 2011 the DES withdrew provisions for the VTST and so it is no longer possible to have an SSP that includes that particular educational service. In 2008,

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<sup>1</sup> A Youth and Community worker was included in focus group 3

<sup>2</sup> A home school community Liaison Coordinator was included focus group 4

the EWS identified and developed a pilot project<sup>3</sup> with the aim of standardising service practice across the country. The project placed an emphasis on collaboration, but also sought to ensure that schools had undertaken some initial steps to address the attendance issues (John Richards Associates, 2009). However when the remit of the EWS was expanded to include the HSCLS and SCP the programme was redesigned in order to incorporate all three service strands<sup>4</sup>. To date, this project has not been implemented, at a national level. However, some of the practice elements of the project are being used at a local level, throughout the country.

Initially, the DES had overall responsibility for the EWS until June 2011 when the agency fell under the remit of the Department of Children and Youth Affairs (DCYA) which now has responsibility for leading the development of policy and the integration of children's services, across a range of sectors. However, given the extended educational remit of the EWS, the agency continues to work directly with the DES in order to support the work of schools, ensuring that children maximise their participation in the educational system (DES, 2009; NEWB, 2010a; DES, 2012; Dail Eireann debate, Vol. 754 No 1, 2012). On the 1<sup>st</sup> of January 2014, the Child and Family Agency (TUSLA)<sup>5</sup> was established under legislative provision and this body is now the State agency responsible for improving childhood wellbeing and outcomes across a number of child related services. It represents the most comprehensive reform of child protection and welfare services in Ireland, to date. TUSLA comprises a number of services, including the EWS, Child Protection and Welfare Services, Family Support

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<sup>3</sup> This pilot project was known as the New Way of Working

<sup>4</sup> The New Way of Working became known as One Child One Team One Plan (OCOTOP)

<sup>5</sup> The CFA is referred to as TUSLA

Agency, Psychological Services, Early Years and other services that respond to domestic, sexual and gender based violence (Child and Family Agency, 2014).

#### **1.4 General Educational Problem and Its Significance in the Field**

The most recent figures in Ireland show that in 2014/15 approximately 56,400 students missed school every day with 11.1% of primary school pupils and 16.2% of post-primary students absent for 20 days or more throughout the school year (Millar, 2016a). Schools that are categorised as disadvantaged have higher non-attendance rates than all other schools. At primary level, the proportion of students missing 20 days or more is almost twice the rate in designated disadvantaged schools. When a high percentage of students miss over 20 days in an individual school it is taken to be an indication of a significant problem in that school (Comptroller & Auditor General, 2010). In post-primary schools all forms of non-attendance are higher in designated disadvantaged schools (Millar, 2016). In 2009/10, roughly 30% of students in disadvantaged schools were absent for twenty days or more compared to 15.3% in non-disadvantaged schools (Millar, 2012).

The Educational (Welfare) Act 2000 is the most recent legal instrument to update the legislative framework for identifying and addressing the needs of children and young people who develop school attendance difficulties. The EWS employs Educational Welfare Officers (EWO) throughout the country to promote regular school attendance and to develop strategies for preventing absenteeism and early school leaving. On a yearly basis, the EWS collects school attendance data from all primary and post-primary

schools. By law, all school principals are required to submit a Student Absence Report (SAR) to the EWS<sup>6</sup>. At the time of writing this thesis a new referral system was being implemented across the country where school principals have been requested to refer cases for individual intervention, to the EWS, while also continuing to submit the SAR data.

Once a school attendance issue has been highlighted, the EWO will in the first instance try to support and assist the parent, child and school in dealing with that issue. The EWO undertakes an assessment to establish the difficulties preventing the child from attending school. Following this, an educational welfare plan is put in place involving all relevant parties including the child, his or her parents and the school. A number of different interventions<sup>7</sup> are offered and developed, depending on the issue that is preventing the child from attending school. For the majority of cases this approach is all that is needed to help resolve the attendance issue. However, in some cases the interventions offered by the EWS may not lead to an improvement in school attendance. When this occurs the EWS may decide to use legal measures to resolve the issue, although this is always seen as a last resort. If an EWO forms the opinion that a parent is “*failing or neglecting*” (Government of Ireland, 2000: 22) to send their child to school after all interventions have been offered they are required to submit a consideration for prosecution report (Appendix A) to their line manager for discussion. The EWO and line

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<sup>6</sup> Prior to February 2015, the school principal was required to submit the School Absence Report to the EWS four times a year. Due to introduction of a new referral procedure to the EWS, school principals are now only required to submit the School Absence Report, twice a year but can continue to submit four times a year if they wish.

<sup>7</sup> Some of the interventions offered by the EWO include engaging with parents, schools and children to devise and implement school attendance plans, home visits, school visits, regular review meetings, attending care team meetings, setting up educational review conferences, informing schools and parents regarding school attendance legislation, making referrals to various agencies and organisations, advocating on parents and children’s behalf and advising schools on developing school policies such as the school’s code of behaviour and school attendance strategies.

manager discuss the case in detail, the report is then sent to be reviewed by the Regional Manager (RM) assigned to the area. Following this the report is reviewed by an RM from a different area and a decision is then made as to whether or not to proceed with a prosecution.

In total, 2990 SANs were issued by the EWS during the period from January 2006 to December 2013. Table 1.1 shows the number of SANs issued each year during that period.

Distribution of SANs				
	Frequency	Percent	Valid Percent	Cumulative Percent
2006	188	6.3	6.3	6.3
2007	231	7.7	7.7	14.0
2008	319	10.7	10.7	24.7
2009	390	13.0	13.0	37.7
2010	415	13.9	13.9	51.6
Valid 2011	416	13.9	13.9	65.5
2012	457	15.3	15.3	80.8
2013	532	17.8	17.8	98.6
No SAN recorded <sup>8</sup>	42	1.4	1.4	100.0
Total	2990	100.0	100.0	

Table 1.1

As already noted, where a SAN is in place and there has been no improvement in the child's school attendance, the EWS may decide to progress to stage two of the legal

<sup>8</sup> 42 SANs were issued by the EWS between 2006 and 2013 but were not recorded on the database

process and prosecute the parent for “*failing or neglecting*”, to send their child to school.

In total, 766 cases were prosecuted through the Irish Courts between 2007 and 2013.

Table 1.2 shows the level of Summonses issued each year by the EWS between January 2007 and December 2013.

Distribution of Summonses				
	Frequency	Percent	Valid Percent	Cumulative Percent
	2007	55	7.2	7.2
	2008	51	6.7	13.8
	2009	81	10.6	24.4
	2010	90	11.7	36.2
Valid	2011	190	24.8	61.0
	2012	129	16.8	77.8
	2013	170	22.2	100.0
	Total	766	100.0	100.0

Table 1.2

### 1.5 Rationale for Conducting the Research

There are a number of reasons why it is important to conduct research on school non-attendance in the Irish context and the consequent prosecution of parents. As already mentioned, the area is entirely under-researched. In fact, data on prosecutions for school non-attendance in Ireland is extremely limited and incomplete. This is due in part, to the fact that up until the introduction of the Education (Welfare) Act 2000 the enforcing authority for school attendance was split between a number of County Boroughs and An Garda Síochána. However, there is some data in relation to Garda

prosecutions for non-school attendance, under the School Attendance Act 1926 (Appendix B). The prosecution of parents under Ireland's Education (Welfare) Act 2000 has never been researched. Most troubling is the lack of empirical research on the impact or effectiveness of prosecuting parents for the school non-attendance of their children even though it is clear that there has been a steady increase in the use of legal measures to tackle this problem.

The 2013/14 academic year saw the lowest figures for school non-attendance since statistics have been collected on a national basis<sup>9</sup> by the EWS with 56,000 primary school pupils and 51,000 post-primary students missing over twenty school days in the school year (Millar, 2016). These figures represent an overall decrease of 1.2% for primary school pupils absent twenty day or more and a 0.1% decrease for post-primary students absent twenty days or more compared with the previous academic year (Millar, 2016). However, statistics reveal that there was an increase in twenty-day absences for the school year 2014/15 which resulted in approximately 60,000 primary school pupils and 55,000 post-primary students missing over twenty-days in the school year (Millar, 2016a). Each year the Board of Management of all primary and post-primary schools are required to submit an Annual Attendance Report (AAR). The AAR provides statistical data on the levels of general non-attendance<sup>10</sup>, twenty day absences, suspensions and expulsions.

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<sup>9</sup> School non-attendance figures were first collected in Ireland on a national basis since 2003/2004

<sup>10</sup> General non-attendance is distinguished from twenty day absences in the annual reports which are all student absences below twenty days within the school year

From a review of the EWS reports on school attendance data since 2003/2004, Table 1.3 reveals the percentage of general non-attendance and Table 1.4 reveals the percentage of twenty day absences for each school year at primary and post-primary level up until the academic year 2014/2015 (Weir, 2004; Ó Briain, 2006; Mac Aogáin, 2008; Millar, 2010, 2012, 2013, 2015, 2016, 2016a). While the figures in table 1.3 and 1.4 may seem insignificant percentage wise, Millar (2016) points out that a difference of even one tenth of one percent in non-attendance nationally amounts to substantial number of student days saved or lost. For example the reported figure of 5.4% for non-attendance in primary schools in 2013/14 suggests a decrease of 0.5% in the figure of 5.9% reported for 2012/13 which indicates an increase of 490,485 school days (Millar, 2016).

#### **General Non-Attendance: 2003/04 - 2014/15**

<b>Year</b>	<b>03/04</b>	<b>04/05</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Primary</b>	6.3%	6.2%	6.3%	6.2%	6.5%	6.3%	6.2%	6.1%	5.8%	5.9%	5.4%	5.6%
<b>Post-Primary</b>	8.1%	7.9%	7.8%	7.9%	8.1%	8.3%	7.9%	7.8%	7.7%	7.7%	7.1%	7.7%

Table 1.3

#### **Twenty Day Absences: 2003/04 - 2014/15**

<b>Year</b>	<b>03/04</b>	<b>04/05</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Primary</b>	11.7%	11.1%	11.5%	10.9%	12%	11.8%	11.7%	11.1%	11.1%	11.6%	10.4%	11.1%
<b>Post-Primary</b>	17.2%	17.2%	16.7%	18.6%	17.7%	18%	17.6%	16.5%	16.1%	15.5%	15.4%	16.2%

Table 1.4

However, there is as yet no proof that increasing the number of prosecutions leads directly to a decrease in the number of students who are not attending school for

twenty days or more in a given academic year. It seems to me that most people would agree that days lost through absenteeism not only have a detrimental effect on the child's educational progress and future development, they can also impact negatively on the school community, on the child's family and on the wider society. Supporting children, their families and the wider society has been particularly challenging in recent years. The recent downturn in the global and national economies has had a negative impact on Ireland, limiting the resources available for tackling problems in the areas of education and child welfare. Practitioners working in the field have been acutely aware of the need to ensure that these limited resources are allocated so as to gain the best possible benefits for both individual students and society as a whole. Taking legal action against a parent is an extremely serious and expensive measure which is only considered as a last resort, but does it actually benefit the child, family or wider society? Finding an answer to that question has been an important motivation for this research.

Furthermore, in 2010/11, the EWS developed a strategic plan outlining a number of goals and objectives relating to the practice of prosecuting parents for the school non-attendance of their children. The EWS made it known that it wished to evaluate the impact the court experience and prosecution process had on school attendance in order to develop policies and guidelines to govern the practice (NEWB, 2009). This research will provide essential data on prosecutions and their consequences, which could be used to develop new guidelines for EWO's and inform policy.

## **1.6 Aims and Objectives of the Study**

As already mentioned the aim of this study is to conduct an in-depth analysis of all legal proceedings and prosecutions relating to school non-attendance initiated by the EWS and to seek the views and opinions of some key personnel in this area. The research is interested in examining the relationship between the issuing of legal proceedings and the impact this may have on school attendance levels. This interest can be re-formulated in terms of three objectives

- To undertake an in-depth analysis of all legal proceedings and prosecutions for school non-attendance initiated by the EWS between 2006 and 2013
- To examine the relationship between the issuing of legal proceedings and school attendance levels.
- To explore the views of key personnel working in this area: EWOs, Home School Community Liaison Coordinators (HSCLC), School Completion Programme (SCP), school principals and other professionals that support parents and children such as parenting & family support groups, women's community development projects, mental health professionals, Traveller and Roma support groups and youth & community workers.

## **1.7 Research Questions**

- What are the key demographic trends and patterns evident in the school non-attendance prosecution data since the introduction of the Education (Welfare) Act 2000?
- What are the perceived views of key stakeholders in relation to the effectiveness of the prosecution process for school non-attendance?

## 1.8 Theoretical Frameworks

The Theoretical framework employed in this thesis consist of two theories that are related, but not in an obvious way (1) Bronfenbrenner's bioecological theory; (2) Foucault's theory of panopticism. Bronfenbrenner's bioecological theory is closer to my own assessment of the reasons for school absenteeism and so, it helps me show the direction of the study, to explain how and why the variables are related, and ultimately to offer suggestions for the development of intervention strategies to improve school attendance. Foucault's theory of panopticism is something that I am not naturally drawn to. It is meant to introduce a criticality into my research findings and recommendations for future research in the field. I am an insider researcher who as such needs to be vigilant around the question of bias. I have found that I can maintain the neutrality required of a researcher by regularly reminding myself of the critical things that Foucault might say in response to my use of language of my profession, which I can tend to slip into without thinking. Foucault would probably see the current employees of the EWS as "reformers" who claim to what to improve things for certain groups of children and their families whereas our "true objective" is to set up a new economy of the power to punish, and assure its better distribution. I dispute this entirely but I find that this provocative suggestion helps me think carefully about the changes in practice that my thesis will recommend.

Bronfenbrenner argues that in order to understand development it is important to consider the entire ecological system in which individual growth occurs (Bronfenbrenner, 1994). Bronfenbrenner's bioecological theory utilizes a systemic framework where the overall environment is conceptualised as a set of embedded

structures, each inside the next. These structures or sub-systems are known as the: microsystem, mesosystem, exosystem, macrosystem and chronosystem (Lau & Ng, 2014). The microsystem describes each setting in which the child has face-to-face, direct relationships with significant people in their lives such as parents, friends and teachers (Leonard, 2011). Throughout the life course, human development takes place through processes of progressively complex reciprocal interactions between the individual and their immediate environments. Bronfenbrenner refers to these interactions as *proximal processes*, and maintains that in order for them to be effective the interactions must occur on a regular basis over extended periods of time (Bronfenbrenner, 1994 p38).

Bronfenbrenner considered *proximal processes* as the primary driving force of development and highlighted the role of individual characteristics in influencing the functioning of *proximal processes* (Rosa & Tudge, 2013; p254). The mesosystem describes the linkages and processes between two or more of the microsystems such as home and school. Bronfenbrenner describes the exosystem as the linkages and processes taking place between two or more setting where at least one of the settings does not involve the individual but can have an indirect influence on their development (Bronfenbrenner, 1994). The macrosystem is described as involving the larger cultural context surrounding the different systems which includes belief systems, cultural norms, policies or laws that indirectly influence the developing individual (Onwuegbuzie et al, 2013). Time plays a crucial part in Bronfenbrenner's bioecological theory which he describes as the chronosystem. The chronosystem encompasses change over the lifespan in the developing individual as well as within the external environments. These events may alter the existing relations between the individual and the environment which may

result in developmental change (Bronfenbrenner, 1994). Over the years Bronfenbrenner's theory has evolved over three phases from an ecological to a bioecological theory which emphasised the role played by the individual in his or her own development (Rosa & Tudge, 2013). Bronfenbrenner's bioecological theory has its theoretical underpinnings in the concept that behaviour does not occur in a vacuum. Bronfenbrenner seeks to understand the various environmental influences on children's lives. When Bronfenbrenner's bioecological theory is applied to school absenteeism it provides a useful framework for understanding the different factors that can influence school absenteeism which could ultimately lead to developing a range of intervention strategies.

Foucault wrote extensively about historical reconfigurations of knowledge. He argued that these reorganisations of knowledge constituted new forms of power and domination (Rouse, 1994). For Foucault, the transformation of the human sciences in the eighteenth-nineteenth century was implicitly set in the context of practices of discipline, constraint, and surveillance which created new kinds of knowledge while creating new forms of social control (Rouse, 1994). The trajectory of Foucault's thought attests to the pervasiveness of power as a form of social discipline (Kritzman, 1990). In an interview with Pierre Boncenne, Foucault expresses the fundamental question at the centre of everything: what is power? So for Foucault, power is the problem that needs to be resolved (Kritzman, 1990; Deacon, 2002).

In *Discipline and Punish* (1977) Foucault writes that as protests against public executions thrived in the second half of the eighteenth century another form of

punishment was needed. The day was to come in the nineteenth century that the criminal would become the target of penal intervention which became the legitimate frontier of the power to punish. A shift from a criminality of blood to a criminality of fraud forms part of a whole complex mechanism, embracing stricter methods of surveillance, and a separation of the population. This shift in illegal practices correlates with an extension of punitive practices which was an effort to adjust the mechanisms of power that frame the everyday lives of individuals. The refinement of the machinery assumes responsibility for the surveillance of their everyday behaviour, their activity and their identity. What was emerging was not so much a new respect for the humanity of the condemned as a tendency towards creating a finely tuned punitive mapping of the social body. The reformers were most critical of a poorly regulated distribution of power, which saw too much power in the hands of the prosecution and the judges which was aided by the lack of knowledge and poverty of those who were to be convicted. The true objective of the reform movement was not to establish a new right to punish, but to set up a new economy of the power to punish, and assure its better distribution. Reforming the penal system in the eighteenth century involved creating a new economy and a new technology of the power to punish. Citizens are presumed to have accepted the laws of society, the very law by which they may be punished which opposes the individual to the entire social body. It is an unequal struggle where a formidable right to punish is established since the offender becomes the common enemy. The right to punish has therefore been shifted from the punishment of the sovereign to the defence of society. What was beginning to emerge was a modulation that referred to the defendant himself, his nature, way of life, and his attitude of mind and not to the intention of his will (Foucault, 1977).

In *Discipline and Punish* (1977) Foucault explores how discipline proceeds from the distribution of individuals in space. Some spaces were more obvious while others more discreet, such as the secondary school. These spaces are enclosed and often partitioned where each individual has his own place and each place its individual. Its aim was to establish presences and absences and to know where to locate individuals while at every moment being able to supervise and assess their conduct and behaviour. In the eighteenth century 'rank' (p146) starts to define the distribution of individuals in the educational space where each pupil according to his age, behaviour, performance, worth and character occupies different ranks. The educational space functions not just as a learning machine but also as a machine for supervising, hierarchizing and rewarding. Hierarchical surveillance was also to be found in the construction of working-class housing estates, prisons, hospitals and schools. The very building of the school was to be an apparatus for observation (Foucault, 1977). The purpose of hierarchical observation is to make surveillance a fundamental part of disciplinary power (To, 2006). The gradual development of such surveillance techniques was far more complex and subtle than the spectacular displays of force (Rouse, 1994; Kelly, 2015). Different systems such as the workhouses, army and schools were subject to a 'micro-penalty' (p178) of time (lateness's, absences) of activity (inattention, negligence) of behaviour (disobedience, non-compliance) and of the body (lack of cleanliness, incorrect attitude). The regime of disciplinary power is aimed at normalising judgement and in a sense; the power of normalisation imposes homogeneity (Foucault, 1977). The goal of normalizing judgement is to identify and regulate specific behaviours and to reward and punish such behaviours (To, 2006).

Foucault's theory of panopticism develops the architectural structure of Bentham's panopticon. The structure revolutionized the idea of disciplinary power through the technology of surveillance (Blackford, 2004). The structure of the panopticon consisted of a central watchtower where the student, worker, patient or prisoner were to be observed at all times (or have the impression of being observed) and hence would come to modify their behaviour accordingly (Blackford, 2004; Fludernik, 2017; Foucault, 1977). This structure allows the very few to hold power over the many, as the tower implies the very suggestions of constant surveillance (Blackford, 2004). For Foucault, the panopticon functions as a kind of laboratory of power and should be understood as a generalizable model of functioning; a way of defining power relations in terms of the everyday life of the individual. While the panopticon model did not, in practice, have a great impact on architecture, its application serves to reform prisoners, treat patients, instruct children, supervise work and confine the insane. The panoptic schema may be used whenever one is dealing with a multiplicity of individuals on whom a particular form of behaviour must be imposed (Foucault, 1977). Foucault's theoretical framework lends itself well to the research topic as the current school attendance legislation creates a system of surveillance and social control by allowing the State a legitimate power to punish parents for the school non-attendance of their children through the use of fines and imprisonment. The school system continues to monitor and observe children's behaviour, attendance and performance on a daily basis. Foucault's question of power is central to the prosecution process for school non-attendance as children and parent's behaviour are continually monitored and observed by the school and State. When children are absent from school, parents are required by law to provide an explanation. Furthermore, if the explanation is deemed unsatisfactory the parent's

actions are monitored. This could result in the continual surveillance and monitoring of the parent which could ultimately lead to the issuing of a fine or a custodial sentence by the courts. The diagram below integrates both Bronfenbrenner's bioecological theory and Foucault's theory of panopticism. It represents an adapted theoretical framework to fit the current enquiry. The four boxes in each corner represent different aspects of Foucault's theory which act as a reminder for the need of a critical approach to the research.

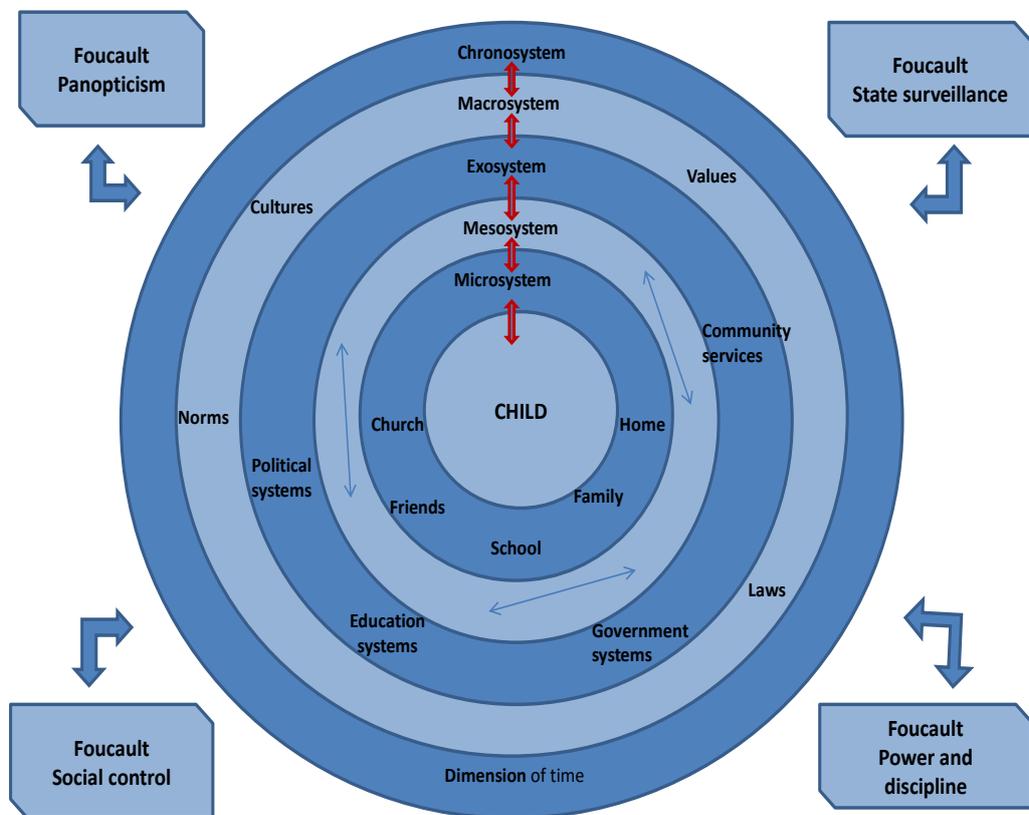


Figure 1.1 An adapted Theoretical framework

## 1.9 Ontological Perspective

Ontology is concerned with the nature of the social world and how reality is constructed (May, 2001; Klingner & Broadman, 2011). Research is framed by a series

of related assumptions which follows a logical order in which ontological principles tend to give rise to epistemological assumptions which in turn impacts on the methodological approaches to research (Denzin & Lincoln, 1998; Waring, 2013). Bryman (2004) describes the essence of the different ontological positions as follows:

The central point of orientation is the question of whether social entities can and should be considered objective entities that have a reality external to social actors, or whether they can and should be considered social constructions built up from the perceptions and actions of social actors (Bryman, 2004; p.16).

The above description outlines the two principal ontological perspectives which are referred to respectively as objectivism and constructivism. Objectivism implies that social phenomena confront individuals as external factors beyond their influence, while constructivism challenges this perspective and asserts that social phenomena and their meanings are produced by social actors through their interactions with the social world, interactions which are continually negotiated and revised (Bryman & Teevan, 2005; Klingner & Broadman, 2011). I adopt a social constructivist approach which takes account of the active involvement of people in the construction of reality whilst also acknowledging my own reality and life experiences which have ultimately shaped the direction of this research.

The term “paradigm” was introduced in the 1960’s to signify a worldview and the various philosophical assumptions associated with that viewpoint. Since then a research paradigm has come to signify a research culture that includes a set of beliefs, values and

assumptions (Johnson & Onwuegbuzie, 2004). However, it was not until the 1980's that mixed methods research was first described and is referred to as the third research movement (Johnson & Onwuegbuzie, 2004; Denscombe, 2008). As this research study adopts a mixed methods approach it is important to discuss the ontological and epistemological assumptions for understanding and framing mixed methods research as these concepts provide the groundwork for how researchers view truth and knowledge (Klingner & Boardman, 2011). Some scholars believe that research methods are permanently rooted in ontological and epistemological commitments while others do not share this viewpoint, nevertheless how this combination is understood ontologically and epistemologically is not always clear (Bryman & Teevan, 2005). To avoid the Qualitative-Quantitative divide some scholars accept that traditional research methodologies should be used in some kind of combination, where appropriate, and acknowledge that the use of one or other or a combination thereof should be dependent on the nature of the problem.

It has also been suggested that researchers should adopt a “*constructivist view to methodology*” in which multiple, contradictory but equally valid methodologies can exist for studying the same phenomenon and researchers should advance the idea that “*good research is good research whether it stems from the quantitative, qualitative or mixed research traditions*” (Onwuegbuzie, 2012 p195). As there are multiple dimensions to society, Green (2012) contends there is a need to use a wide set of methodologies in order to describe, understand and interpret those dimensions to assist researchers avoid following one approach that may end in the development of incomplete knowledge. It has been suggested that approaches that declare themselves to be theoretically distinct

are often surprisingly similar methodologically (Haggis, 2008). More recently, the mixed-method approach incorporating a combination of Quantitative methods alongside the interpretive paradigm and associated Qualitative methods has been enthusiastically adopted (Karnilowicz, Ali & Phillimore, 2014; Bryman & Teevan, 2005).

### **1.10 Epistemology**

Epistemology is closely related to ontology and is a theory of knowing which directs our understanding of a phenomenon (Klingner & Broadman, 2011; Sprague, 2010). What is regarded as acceptable knowledge, within a discipline, and what procedures and principles should be used to study the social world are epistemological considerations which are central to any research question (Bryman & Teevan, 2005). Positivism could be described as an epistemology of fact and objectivity where truth derives from eliminating the role of subjective judgements and interpretations (Sprague, 2010). Positivists sought to demarcate science from non-science to explain how scientific knowledge differed from other theories found in philosophy and theology (Kelly, 2006). Educational research faces intense ontological issues due to the nature of what is being researched which can contribute to epistemological challenges. First the individuals that are subject to investigation are socially constituted and are embedded in systems with layers of social context creating complex interactions among people, institutions, policies, knowledge and time. Second the individual's worth investigating are perhaps the most elusive which may present axiological issues of ethical and moral dimensions (Kelly, 2006). The central endeavour of the interpretive paradigm is to understand the subjective world of human experience and is a contrasting epistemology

to positivism (Cohen, Manion & Morrison, 2011). Interpretivism maintains a view that the subject matter of the social sciences is fundamentally different from that of the natural world and requires a justification for different research procedures, one that reflects the uniqueness of human beings as opposed to objects. This division reflects a distinction between an emphasis on the explanation of human behaviour against the preference for an empathetic understanding and an interpretation of human behaviour (Bryman & Teevan, 2005; Hudson & Ozanne, 1988).

### **1.11 Author's Perspective**

I believe that education plays a critical role in all our lives, but I am acutely aware that the experiences and the intended outcomes can be significantly different for each individual, for a variety of reasons. I grew up in a council estate which is considered a designated disadvantaged area in South County Dublin. I attended the local primary and post-primary school which are both currently categorised as DEIS schools. Both my parents left school after primary level, which was typical for the majority of children in the 1950's and 1960's in Ireland. My older sister, who is my only sibling, had left school early to embark on an apprenticeship but later returned to education as a mature student. I found school difficult and struggled with certain aspects of learning which I now realise I tried to cover up as best I could by being the 'class clown'.

Throughout my adolescent years, I had little desire or ambition to further my education and was looking forward to the day I was allowed to leave school. I also felt that some of my teachers had little or no expectation that I would complete my secondary

education or ever attend college. However, there was an expectation from my family that I was not allowed to 'just' leave school. This led me, at the end of third year, to think of enrolling in a pre-apprenticeship course. However, the Co-ordinator of the pre-apprenticeship course advised me to return to school, promising that if things did not improve for me I would be accepted onto the course the following year. Soon after I returned to school I noticed that my views on the importance of education were beginning to change. I cannot explain why this happened but the memory is still vivid in my mind to this day. I made a decision to re-sit the Leaving Certificate, became extremely determined and highly motivated and was eventually successful in securing the college course of my choice. I believe that these early experiences of disaffection followed by a growing and now well established belief in the value of education, place me in a good position to make sense of the challenge of school non-attendance, its causes and possible solutions.

In 2002 an announcement was made in the local press that a new agency was being set up to tackle the issue of school absenteeism and early school leaving. I was extremely interested in the prospect of being part of an organisation from the beginning which had a responsibility to ensure that every child attended school or otherwise received a minimum education. Prior to this, I had worked with the Health Service Executive in a range of professional capacities, supporting children and young people and their families who were experiencing difficulties such as family breakdown, neglect, bereavement, separation and loss, childhood abuse, and emotional and behavioural difficulties. I was successful with my application in 2003 and am still employed with the EWS today. I have had many different roles and positions within the organisation and I

am currently<sup>11</sup> working as a Senior Educational Welfare Officer (SEWO) in South County Dublin. The experience and knowledge that I have gained through my own personal educational journey combined with the various professional opportunities that I have had over the past twenty years have allowed me to develop and shape my interest in this research area.

### **1.12 Summary of Thesis Structure and Contents**

Having outlined the rationale for selecting the research topic, the following summary of the chapters, lay out the principles that inform the approach taken in this investigation. Chapter 2 begins by outlining a number of emerging themes emanating from a review of the key historical developments in relation to compulsory school attendance in Ireland from 1870 to the present day. The themes are discussed under the following headings: the emerging theme of the use of punitive sanctions, the emerging theme of delay in the implementation of legal provisions, the emerging theme of exceptions in the application of the law and the emerging theme of children's rights. The chapter concludes with a discussion on the issues associated with educational disadvantage.

Chapter 3 examines the relevant literature in relation to the factors influencing school absenteeism and the prosecution of parents for the school non-attendance of their children. The chapter begins by highlighting a number of issues relating to the definition

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<sup>11</sup> In February 2015 I transferred to South County Dublin but before this I worked in the North Dublin Region for approximately five years

of absenteeism and truancy. The discussion continues by outlining the different categories of truancy and examining school non-attendance in Ireland. Following this, the factors associated with school absenteeism and truancy are presented under the headings of: student, family, school and system. The chapter concludes with an outline of the main approaches to tackle school absenteeism, adopted in different countries such as truancy prevention programmes, parental responsibility measures, financial penalties and parental prosecution.

Chapter 4 outlines the research design and methodology applied to this research and includes a rationale for the approach adopted. The researcher decided that a mixed methods approach would be the most suitable method in exploring and developing an understanding of the practice of prosecuting parents for the school non-attendance of their children in Ireland. Consequently this study adopts a sequential explanatory mixed method design incorporating both Quantitative and Qualitative elements. The chapter continues by outlining phase 1 of the research which involved collecting and analysing Quantitative data from a number of datasets, which included the School Attendance Notice and Summons Database's along with a School Attendance Template. Following this, phase 2 of the research is presented which introduced a Qualitative strand into the investigation which involved setting up a number of focus groups in different locations across the country. This section continues with an outline of the pilot study conducted, the protocol for participant selection, access to the research site, background information on the participants and finally an outline of the thematic analysis adopted regarding the Qualitative aspect of the research. Subsequently the chapter continues by exploring the topic of insider research while also examining a number of contextual factors that impact

on conducting focus groups. A number of ethical considerations are then examined and the final section of the chapter outlines the limitations of the study.

Chapter 5 presents the Quantitative findings of the research in relation to the practice of prosecuting parents for the school non-attendance of their children from an Irish context. The inquiry involved collecting and analysing data in two stages. The first stage involved analysing information recorded on two databases known as the SAN and Summons databases. These databases are collated by the EWS and records information on all school non-attendance legal cases. The second stage involved developing a template (The School Attendance Template) to collect and record the yearly attendance rates of individual cases prosecuted by the EWS in 2011 and the findings are duly presented.

Chapter 6 presents and discusses the Qualitative findings from this research. These findings emerge from a number of focus groups that were conducted across the country. The purpose of conducting the focus groups is to supplement the findings from the Quantitative strand and to further develop an understanding regarding the practice of prosecuting parents for the school non-attendance of their children in Ireland. A number of themes and sub-themes emerged and subsequently the data was recorded under five general themes: (1) Reported Factors Associated with School Non-Attendance; (2) Intervention Strategies which can Improve School Attendance; (3) General Principle of Prosecuting Parents for School Non-Attendance; (4) Factors to Consider When Prosecuting a Case, and (5) Court Sanctions and Outcomes.

Chapter 7 draws conclusions from the main findings of the inquiry and makes general recommendations for improvements in policy, practice and research. The main findings of the research are presented under the following headings: (1) Similar Patterns in the SAN and Summons Data; (2) Prosecutions for School Non-Attendance Remain Comparatively Low; (3) Legal Proceedings are Increasing Year on Year; (4) Legal Proceedings are More Likely to be Issued in Respect of Older Children; (5) Legal Proceedings are More Likely to be Issued to Parents of Children Attending DEIS schools; (6) Mothers are More Likely to be Prosecuted than Fathers; (7) Regional Differences in Relation to Legal Proceedings; (8) The Change in School Attendance Following Prosecution in 2011; (9) The Reported Factors Associated with School Non-Attendance; (10) Intervention Strategies which can Improve School Attendance; (11) The General Principle of Prosecuting Parents for the School Non-Attendance of their Children; (12) Factors to Consider when Prosecuting a Case and (13) Court Sanctions and Outcomes.

## **CHAPTER TWO: SCHOOL ATTENDANCE LEGISLATION AND THE IRISH CONTEXT**

### **2.1 Introduction**

This thesis examines the prosecution of parents for the school non-attendance of their children in Ireland. It explores trends and patterns in relation to prosecutions made under the Education (Welfare) Act 2000, between 2006 and 2013. It also examines the perceptions of educational professionals and parent representatives in relation to the prosecution of parents for the school non-attendance of their children. This chapter outlines a number of emerging themes emanating from a review of the key historical developments in relation to compulsory school attendance in Ireland from 1870 to the present day. The themes are discussed under the following headings: the emerging theme of the use of punitive sanctions, the emerging theme of delay in the implementation of legal provisions, the emerging theme of exceptions in the application of the law and the emerging theme of children's rights. The chapter concludes with a discussion on the issues associated with educational disadvantage.

### **2.2 Emerging Themes**

The Royal Commission of Inquiry into Primary Education 1870 was the first step in the development of Ireland's current compulsory school attendance legislation. Reviewing the historical development of school attendance legislation allows an opportunity to examine possible patterns that have emerged over the years such as: the

use of punitive sanctions, the delay in the implementation of legal provisions, exceptions in the application of the law and the emerging theme of children's rights.

### **2.2.1 The Emerging Theme of the Use of Punitive Sanctions**

A clear trend in Ireland's compulsory school attendance legislation since its introduction is that the legislation has always included the use of punitive sanctions, including the possibility of imprisonment. As far back as the National Education (Ireland) Bill 1885, parents were liable to certain penalties if they failed in their duty to send their children to school. The 1885 Bill stated that it was the duty of the parent to ensure that their child was receiving "*efficient elementary instruction in reading, writing and arithmetic*" and stated that if a parent failed in their duty could be liable to a financial penalty not exceeding five shillings (House of Commons, 1885: p2). In addition, the 1885 Bill allowed for a child to be summoned to appear before court and if the parent failed to comply with such a summons could be liable to a fine of twenty shillings (House of Commons, 1885: p13).

The practice of using punitive sanctions continued with the introduction of the Irish Education Act 1892 (House of Commons, 1892). The 1892 Act stated that a parent could be fined forty shillings if the knowingly falsified or forged certificates, or lied about the age of their child, for the purposes of employment (House of Commons, 1892). A number of penalties were also incorporated in the School Attendance Act 1926 and included various types of fines for parents if they were found guilty under the Act. Under the 1926 Act a parent could be served with a written warning if they failed to send

their child to school and if they did not comply with the warning could be guilty of an offence and liable to a fine. However, if a parent satisfied the court that they made all reasonable efforts to send their child to school, the court could order the child to be sent to either a certified industrial school or to live with a relative or other person named by the court (Government of Ireland, 1926).

What is evident in the early development of compulsory school attendance legislation is the use of fines for parents but more shockingly the provision of the possibility of imprisoning children for school non-attendance. Even the arguably enlightened Education (Welfare) Act 2000 does not remove the feature of using punitive sanctions for school non-attendance. However, the difference is that imprisoning children for school non-attendance has been removed from the legislation but replaced with the possibility of imprisoning parents. It is also worth noting that the Fines Act, 2010 has increased the amount a parent can be fined (Government of Ireland, 2010). While the most recent compulsory school attendance legislation in Ireland contains more of a welfare-orientated approach it is obvious that the trend of using punitive sanctions may remain a component of such legislation.

### **2.2.2 The Emerging Theme of Delay in the Implementation of Legal Provisions**

Another emerging theme in the compulsory school attendance legislation is the issue associated with the length of time it may take to amend certain sections of the law. One example to illustrate this, relates to the application of the legislation across the country. The issue of enforcing the attendance of all children of school going age, by

law, was discussed by the Royal Commission of Inquiry as far back as 1870 (Royal Commission of Inquiry, 1870; Vol. 1). The next major development in relation to compulsory school attendance, at the time was the introduction of the Irish Education Act 1892 which established compulsory school attendance for children between six and fourteen years of age. However, the 1892 Act only applied in every place which was a municipal borough, town or township under the patronage of the Commissioners of Education (House of Commons, 1892). Efforts to introduce compulsory school attendance, at the end of the nineteenth century through the provisions of the Education Act 1892, met with limited success and according to Hyland and Milne (1992) the continuing high level of school non-attendance remained a cause of concern. While the School Attendance Act 1926 went some way to amend the law to include every part of the country, a system was created whereby School Attendance Officers were employed in certain parts of the country while in the remaining towns and villages, An Garda Síochána, was responsible for compulsory school attendance (Government of Ireland, 1926). Yet it was not until one hundred and eight years later with the introduction of the Education (Welfare) Act 2000 that compulsory school attendance became the responsibility of one national agency, which is known as the Education Welfare Service (Government of Ireland, 2000).

Another example relates to amending the compulsory school attendance age. The Irish Education Act 1892 made school attendance compulsory for children aged between six and fourteen years of age (House of Commons, 1892). Both the School Attendance Act 1926 and the Vocational Education Act 1930 provided for increasing the school attendance age (Government of Ireland, 1926; Government of Ireland, 1930; Coolahan,

2005). However, it was not until an order was made in 1972<sup>12</sup> that the school attendance age was extended to include children up to fifteen years of age (Hyland & Milne, 2005). This resulted in the process taking eighty years to amend the compulsory school attendance age by one year. While provision was made in the Vocational Education Act 1930 to raise the school attendance age to sixteen years it was not until seventy years later that this amendment was made following the introduction of the Education (Welfare) Act 2000 (Government of Ireland, 1930; Government of Ireland, 2000). This pattern would indicate that we would not see the recommendation, made by the Special Rapporteur on Child Protection that school attendance legislation should include children under the age of six become a policy for many years to come.

### **2.2.3 The Emerging Theme of Exceptions in the Application of the Law**

Throughout the development of compulsory school attendance legislation a pattern seems to emerge in relation to exemptions of the law. As already discussed an exemption based on where you lived applied in the early stages of compulsory school attendance legislation. The Royal Commission of Inquiry into Primary Education 1870 decided that it would be inexpedient to pass any law compelling attendance at school in rural districts, but it considered it desirable that such a law would be introduced and made applicable to children who were of school going age, living in towns and cities across Ireland (Royal Commission of Inquiry, 1870; Vol. 1). However other exemptions also applied such as in the Irish Education Act 1892 which provided that a child over 11 years of age, who had received certificates of proficiency in reading, writing and

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<sup>12</sup> School Attendance Act, 1926 (Extension of Application) Order, 1972

arithmetic, would not be required to attend school (House of Commons, 1892). The Irish Education (Afflicted Children) Bill 1905 stated that the fact that a child was “*afflicted*” (House of Commons, 1905: p 3) was not a reasonable excuse for not sending the child to school, except in the case of a child under seven years of age. The 1905 Bill also mentions that in the case of a blind or deaf child, the fact that there was no school within a particular distance of where the child lived was not in itself a reasonable excuse for not sending the child to school. However, the National Education (Ireland) Bill 1885 outlined that distance between home and school was a reasonable excuse for a child’s school non-attendance (House of Commons, 1885: p13).

Certain provisions of the Education (Welfare) Act 2000 have not yet been implemented, seventeen years on. One such provision requires the EWS to register young people who leave school early while also ensuring that a plan is put in place for their continued education and training up until they reach eighteen years of age (NEWB, 2009). The analysis of Quantitative data in chapter five highlights that there are regional differences in relation to the issuing of legal proceedings for school non-attendance in Ireland. While this may not be conscious it suggests that some parents may be pursued through the courts for non-school attendance while others may not.

#### **2.2.4 The Emerging Theme of Children’s Rights**

The Royal Commission of Inquiry into Primary Education 1870 outlined some of the reasons for school non-attendance as the: “*indifference of parents with regard to*

*education, employment of children in agriculture, negligence by allowing the child to stop at home because it's raining or because the child does not like to go to school"* (Royal Commission of Inquiry, 1870; Vol. 1: p 324). This description gives an insight into the views held at the time, which clearly places blame exclusively towards parents for the reasons for school non-attendance. Yet real concerns existed at the time in regard to the rules and regulations of the national system, the payment and qualifications of teachers, the lack of appropriate school buildings and the inflexibility of the system (Fernandez-Suarez, 2006). This view was still evident in the early nineteenth hundreds when the report of the Committee of Enquiry into Primary Education (Ireland) 1918, suggested that there was a regrettable indifference and apathy, on the part of the public towards educational matters and that "*the educational mind and conscience of the country needed developing*" (Killanin, 1919: p5). The harsh reality of the early period of compulsory school attendance legislation is that children could be committed to industrial schools if they did not go to school and if their parent satisfied the court that they made all reasonable efforts to send them (Government of Ireland, 1926).

However, in 1999 the then Taoiseach, Bertie Ahearn announced the establishment of the commission of inquiry into child abuse and the investigation of abuse of children in State institutions over previous decades (CICA, 2009; [Ryan Report]). The Ryan report notes that efforts were made in the early twentieth century to try and reform legislation pertaining to children. As a result the Children Act, 1908 was introduced which provided the constitutional basis for reformatories and industrial schools (CICA, 2009). However, this Act also recognised the legal entitlement of a parent or a teacher to physically chastise a child (CICA, 2009). The Commission heard

evidence from over 1,000 witnesses who reported their childhood experiences of abuse in Irish institutions between 1914 and 2000. The witnesses reported being emotionally, physically and sexually abused and neglected by religious and lay adults that had responsibility for their care (CICA, 2009). The Ryan report shows that child abuse was endemic in the reformatory and industrial schools in Ireland (Powell et al, 2013). Fifty six witnesses reported being admitted to industrial schools as a result of a court order under the School Attendance legislation, for non-school attendance. The Ryan Report concluded that schools were run in a strict manner that imposed unreasonable and oppressive discipline on children. The failure of the system led to the institutional abuse of children and to their psychological, emotional and educational needs not being met (CICA, 2009). The publication of the Ryan report was a significant event in the vindication of the human rights of survivors of child abuse in Irish reformatory and industrial schools (Powell et al, 2013). However, it was not until the introduction of the Education (Welfare) Act 2000 that finally removed the possibility of incarcerating children for school non-attendance from Irish law.

Over the intervening years a children's rights movement began and resulted in the growing importance of international organisations and universal charters expressing the rights and needs of children (Fass, 2011; Kilkelly, 2008). The United Nations Convention on the Rights of the Child was ratified by Ireland in 1992, and is a legally binding instrument ensuring the protection of children's rights. Since then Ireland has introduced a number of different measures which includes the participation of children and young people's voices in policy decisions that affect their lives such as *the National Children's Strategy 2000*; *Better Outcomes Brighter Futures: The National Policy*

*Framework for Children and Young People, 2014-2020; and Children and Young People's Services Committees* (Barnardos, 2008; Hayes, 2002; The National Children's Strategy, 2000; DCYA, 2015; Mooney, Seery & Kearns, 2014).

Another milestone in relation to children's rights was the establishment of the Office of the Minister for Children in 2005 which was renamed the Minister for Children and Youth Affairs in 2008 ([www.childrensrights.ie](http://www.childrensrights.ie), 2017). In 2011, the Minister for Children and Youth Affairs became a full cabinet minister ([www.citizensinformation.ie](http://www.citizensinformation.ie), 2017). The Department of Children and Youth Affairs focuses on harmonising policy issues affecting children's lives in areas such as child welfare and protection, youth justice and children and young people's participation ([www.dcy.a.ie](http://www.dcy.a.ie), 2017). Alongside this the first Special Rapporteur on Child Protection was appointed in 2006 following a Supreme Court decision that found the law on statutory rape was unconstitutional ([www.dcy.a.gov.ie](http://www.dcy.a.gov.ie), 2017). The role of the Special Rapporteur is to review and audit legal developments for the protection of children and to examine the application of existing legislative provisions and make recommendations as appropriate ([www.dcy.a.gov.ie](http://www.dcy.a.gov.ie), 2017).

In 2013, the Special Rapporteur examined the legal provisions in relation to school attendance. The report recommended that a system of Education Supervision Orders should be considered and that the Educational Welfare Service should be allowed to intervene with parents of children under the age of six to facilitate earlier intervention in addressing issues of school non-attendance (Shannon, 2013). Alongside this, the Thirty-First Amendment of the Constitution (Children) Act 2012 was signed into law in

2015 which protects the rights of all children under the Constitution and ensures that children have the right to be heard when decisions are made about them (Barnardos, 2014). It is clear to see that developments in relation to children's rights have taken place in Ireland over the years but how these relate into practice can be a different matter.

### **2.3 Moving Beyond Educational Disadvantage**

The issues of disadvantage and educational achievement have become a concern for both policy makers and academic researchers over the past number of years. A number of Irish reports have made it a priority to tackle the high levels of socio-economic inequalities that exists in education. Coolahan (1994) makes the point that whilst the current educational system cannot be held responsible for the high level of socio-economic inequality that exists in Irish society, it has the power to intervene effectively in children's lives, raising their levels of educational achievement and so ultimately improving their life chances. Other research has shown that there are strong links between poor school attendance and other indicators of educational disadvantage and there is now broad agreement that addressing the issues underlying poor attendance requires close collaboration among schools and other stakeholders, including children and their families as well as a whole range of professionals (NEWB, 2009). However, the deficit model of disadvantage, which was the basis of policy interventions, in the past, is now seen as inadequate and outdated. The approach to educational inclusion should be based on the fundamental principles of human rights and social justice with an emphasis on recognising and accommodating diversity and achieving not only equality of opportunity but most importantly equality of outcomes (Hyland, 2005).

If there is general agreement that poverty and poor educational outcomes are interrelated, there is also recognition that there are different ways of making sense of the connection. According to Raffo et al (2009) explanations for the link, concentrate to a greater or lesser extent on three different factors: (1) the “*micro level*” factors, associated with poverty and poor educational outcomes, which centre on the individual; (2) the “*meso-level*” factors, which relate to ‘*immediate social contexts*’ and include families, communities and schools; and (3) the “*macro-level*” factors which are linked to social structures and the notions of power and inequality (Raffo et al, 2009: p341). In their analysis, Raffo et al (2009) identify two broad positions that highlight a fundamental difference in the way the role of education is understood. “The functionalist perspective” takes for granted that education plays an important role in the functioning of society. If it is working well, education has the ability to provide benefits such as social cohesion, economic development and improved life chances both for individuals and for society, taken as a whole. The problem, seen from the functionalist perspective, is that some individuals and groups, especially those from poorer backgrounds, do not seem to enjoy the benefits of education. The second position, according to Raffo et al (2009) is the “*socially critical perspective*”. It is similar to the functionalist viewpoint to the extent that it also assumes that there are potential benefits to education. However, it raises questions as to whether it is possible to distribute these benefits more widely simply by addressing specific problems at the level of the socially disadvantaged. From this viewpoint, the existing social arrangements are themselves inherently discriminatory and the current education system reflects that same unequal distribution of power and control. The failure of the education system to provide

benefits for families living in poverty results from inbuilt inequalities both within the education system and within society, taken as a whole. Viewed from the socially critical perspective, the solution to the problem of an overly narrow distribution of educational benefits is to make education critical of the existing social arrangements and open to challenging the different power structures.

Ireland's investment in improving school attendance and increasing levels of participation in the educational system is part of a wider social and educational policy framework, one that aims to ensure that every child, within the State achieves their full potential. The Delivering Equality of Opportunity in Schools (DEIS) Programme is a key policy context aimed at addressing the educational needs of children and young people from disadvantaged communities. This programme was launched in 2005, by the Department of Education and Skills (DES), and is the most recent national programme focused on addressing the needs of children and young people from disadvantaged backgrounds. The programme is run in 338 urban and 332 rural schools as well as 203 post-primary schools that have been identified as having the highest levels of disadvantage (Social Inclusion Unit, 2017).

A number of additional resources are provided to schools under the programme which include additional staff, access to literacy and numeracy programmes, extra funding, and assistance with school planning. Other programmes such as the Home School Community Liaison Scheme (HSCLS) and the School Completion Programme (SCP) are provided for those schools that have been identified as having the highest level

of disadvantage. The overall objective of the DEIS programme is to ensure that schools that are designated as disadvantaged benefit from a comprehensive package of supports, while ensuring that other schools continue to receive support in line with the level of disadvantage experienced by their pupils. The DES reports that there have been some notable achievements regarding literacy and numeracy levels and that there are significant improvements in the overall attendance of pupils in DEIS schools (DES, 2012). The action plan for education 2016-2019 acknowledges progress to date, in advancing equality of access to education, but also recognises that significant challenges remain to adequately support children and young people from different backgrounds to experience success in the education system (Department of Education, 2016). The DEIS plan 2017 aims to develop best practice in the identification of schools needing support, pilot innovative approaches, integrate a range of supports with other agencies and to devise greater continuity of support across a wider range of schools over time (Department of Education and Skills, 2017).

## **2.4 Conclusion**

This chapter outlined a number of emerging themes emanating from a review of the key historical developments in relation to compulsory school attendance in Ireland from 1870 to the present day. The themes were discussed under the following headings: the emerging theme of the use of punitive sanctions, the emerging theme of delay in the implementation of legal provisions, the emerging theme of exceptions in the application of the law and the emerging theme of children's rights. The chapter concluded with a discussion on moving beyond educational disadvantage

# **CHAPTER THREE: THE FACTORS INFLUENCING SCHOOL ABSENTEEISM AND THE PROSECUTION OF PARENTS FOR THE SCHOOL NON- ATTENDANCE OF THEIR CHILDREN**

## **3.1 Introduction**

This thesis examines the prosecution of parents for the school non-attendance of their children in Ireland. It explores trends and patterns in relation to prosecutions made under the Education (Welfare) Act 2000, between 2006 and 2013. It also examines the perceptions of educational professionals and parent representatives in relation to the prosecution of parents for the school non-attendance of their children. This chapter will summarise the relevant literature in relation to the factors associated with persistent school non-attendance. The first section will highlight a number of issues relating to the definition of absenteeism and truancy as it emerges in the research literature. The next section will outline the different categories of “truancy” that were developed by Reid (1985, 1999). As a number of children and young people miss school every day throughout Ireland the current situation is discussed. Following on from this, the factors associated with school non-attendance will be discussed with reference to student, family, school and systems factors. Because this study is the first occasion on which research on this scale has been carried out into the practice of prosecuting parents for the school non-attendance of their children in Ireland, the discussion will have to draw on research, which has been carried out elsewhere, if it is to compare the current practice in Ireland with some alternative. The final section describes and outlines the main approaches adopted in different Countries, noting strategies such as truancy prevention programmes, parental responsibility measures, financial penalties and parental prosecution.

### 3.2 Definition of Absenteeism and Truancy

Students' non-attendance at school can be difficult to define and the relevant literature is awash with terms such as "unauthorised absence", "persistent absenteeism", "chronic absenteeism", "school refusal", "school phobia", and "truancy", to name but a few (Pellegrini, 2007; Reid, 2005). The way in which these terms are used in the literature and what they aim to signify for researchers and their audiences, often differs, thus creating a barrier in gaining a shared understanding of this behaviour (Pellegrini, 2007; McCoy et al, 2007; Attwood & Croll, 2006; Kearney & Albano, 2004). Some researchers describe "truancy" as any unexcused absences, whereas chronic absenteeism<sup>13</sup> is defined as a percentage of non-attendance which includes excused and unexcused absences or any absence from school for legitimate or illegitimate reasons (Chang & Romero, 2008; Sanchez, 2008; Kearney & Bensaheb, 2006). However in other research, school refusal behaviour refers to '*illegitimate absenteeism*' which incorporates '*child motivated refusal*' to attend school or classes for part of the day or for the entire school day (Kearney & Bensaheb, 2006 p.3). In the Irish context, the EWS agrees that "*the definitional boundaries between 'poor attendance', 'non-attendance', and 'early school leaving' have not always been well defined, resulting in ambiguity in research*" (McCoy et al, 2007, p.1). For the most part, absenteeism and non-attendance seem to be used interchangeably by many writers. Southwell (2006 p.96) claims that the research literature on "truancy" is confusing and has produced a vast range of diverse conclusions, where policy makers can select evidence to support almost any view of "truancy" on a 'pick 'n' mix' basis.

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<sup>13</sup> To date there is no definition from an Irish perspective on what constitutes chronic absenteeism. Notwithstanding this the Irish School Attendance legislation provides that any child missing over 20 days is reported to the EWS on a yearly basis.

Another related issue is that different views may be held by a variety of people regarding the reasons for school non-attendance. For example, an Irish study commissioned by the EWS, found that the explanation given for non-attendance was different, according to the stakeholder group. Parents and students were more likely to look for explanations for school non-attendance at the level of individuals, such as a clash of personalities between teacher and student or an individual's troubled reaction to a particular situation. In contrast, school personnel were more likely to explain school non-attendance, with reference to issues such as the value the student's family had placed on education, family structure, and the limited availability or absence of family support services. Similarly, the EWOs tended to look for explanations for school non-attendance at a macro level, with most emphasis being given to socio-economic factors, such as poverty and the culture of education within the home (Ipsos MORI, 2008). Bimler & Kirkland (2001) analysis of school non-attendance, found that young people seemed to link "truancy" to the nature or personality of the truant whereas adults took a broader approach, which included making reference to "family dysfunctionality" (p 97). As discussed in the introduction chapter, Bronfenbrenner's bioecological theory provides a useful framework in order to help understand the different factors associated with school absenteeism.

### **3.3 Categories of Truancy**

Children miss school for a variety of reasons and it is essential that professionals working within this area have an understanding and an awareness of the root cause of the problem in order to assist and support the child and parent in their efforts to address the

school non-attendance difficulty. Reid (1985) provides an approach to identifying the different categories of "truancy" which has been shown to be useful in developing knowledge of what works in terms of treatment strategies. Reid claims that the characteristics of each truant are different, because taken together their psychological, social, familial and educational circumstances are unique. However, he still manages to develop a limited number of categories into which these truants can be placed. The four categories of "truancy" that Reid developed are: (1) the traditional/typical truant; (2) the psychological truant; (3) the institutional truant and (4) the generic truant. According to Reid,

- The traditional/typical truant is likely to have low self-esteem and low levels of self-understanding, and to be shy and introverted.
- The psychological truant is more likely to miss school due to factors such as anxiety, illness, psychosomatic complaints or fear of attending school. This type of truant requires specialist counselling, as well as intensive pastoral care to help them overcome these difficulties.
- The institutional truant is more likely to miss school due to issues that arise within the school. Children who are categorised as institutional truants are more likely to engage in 'on the spur of the moment' absences from school or will tend to skip classes throughout the day. This type of truant can also be selective about the days and lessons they miss and may show signs of total disregard for authority as well as a lack of concern about the outcome of any measures taken against them.
- Finally, the generic truant is someone who misses school for a variety of reasons, at different times, and may experience the different categories of "truancy" at

different points throughout their school life. Some truants may display symptoms of all categories, due to their unique psychological, social or educational backgrounds (Reid, 1999).

### **3.4 School Non-Attendance in Ireland**

The most recent figures in Ireland show that in 2014/15 approximately 56,400 students missed school every day (Millar, 2016a). The figures for general non-attendance have remained stable over the past number of years. Approximately 11.1% of primary school students and 16.2% of post-primary pupils were absent for more than 20 days throughout the school year 2014/15 which equates to roughly 60,000 primary pupils and 55,000 post-primary students (Millar, 2016a). Schools that have been categorised as disadvantaged have higher non-attendance rates than all other schools. At primary level, the proportion of students missing 20 days or more was almost twice the rate in designated disadvantaged schools (Millar, 2016). A high percentage of students missing over 20 days is an indication of a significant problem within an individual school (Comptroller & Auditor General, 2010). In post-primary schools all forms of non-attendance were higher in designated disadvantaged schools. In 2009/2010, roughly 30% of students in disadvantaged schools were absent for twenty days or more, compared to 15.3% in non-disadvantaged schools (Millar, 2012). However, percentage attendance figures do not indicate whether a large amount of children miss school most of the time, or whether a small percentage of children are absent the majority of the time. Attendance figures reviewed in isolation also reveal nothing about individual patterns of

attendance given that two individual students, with the same percentage attendance figures, could have a different range of problems. For example, one child could display a large continuous period of absence while another child could have regular weekly absences. Percentage attendance figures, therefore, refer to the average percentage of school absence (Blagg, 1990).

### **3.5 Factors Associated with School Absenteeism and Truancy**

The causes of "truancy" and persistent absenteeism are increasingly complex and continue to change over time (Reid, 2002; Reid, 2010; Corville-Smith et al. 1998 Southwell, 2006; NEWB, 2009). "Truancy" can take many different forms, ranging from students that arrive late to school, on a regular basis, to those pupils that miss certain classes as well as those who do not come to school at all (Claes et al. 2009). Attending school on a regular basis is an important factor for success in school. Rothman (2001) notes that students who are chronic non-attenders inevitably receive fewer hours of instruction and often leave school early, and are more likely to become long term unemployed. Children who are chronic non-attenders are also at risk of developing various health and social problems (Dube & Orpinas, 2009). Furthermore, children miss the opportunity to grow academically, emotionally and socially when they are not at school (Chang & Romero, 2008; Sanchez, 2012). Dalziel and Henthorne (2005 p.53) acknowledge that the reasons for absenteeism are complex, but they also suggest that it can be difficult to uncover them:

The reasons being given for non-attendance often masked a deeper underlying problem. Rather than there being one obvious reason for poor

attendance, it was more likely to be a result of a number of factors, which were often difficult to discover.

This view is echoed by others (Chang & Romero 2008; Bye et al 2010). Of course, gaining clarity about the factors that contribute to chronic non-attendance is critical for developing effective solutions. In their study, Kearney & Albano (2004, p14) found that children presenting with school refusal behaviour can also have '*mixed diagnostic conditions*' which will require that the treatment strategy is similarly complex. The findings of Bimler & Kirkland's (2001, p75) study points to an entire spectrum of reasons and causes behind truant behaviour, but more specifically they found '*clusters*' of truant profiles that have a lot in common. The end result, they say, is that it is now possible to develop programmes of intervention to fit each category of "truancy".

It has also been suggested by Reid (2010) that "truancy" is caused by a combination of psychological, social and institutional factors. In order to gain a better understanding of school non-attendance, Pellegrini (2007) argues that it is important to recognise not only the individual characteristics of the child but also the family functioning that impacts negatively on their behaviour, while at the same time recognising the importance of considering risk factors in schools. Southwell (2006), who declares that he was a persistent truant from school himself, believes that truants perceive schools as having failed to meet their educational needs and that official concern has wrongly demonised parents and oppressed truants. According to The National Centre for Mental Health Promotion and Youth Violence Prevention (2007) there are as many as four factors associated with school non-attendance. These include

the student, the family, the school, and system factors. I will say more about these and other relevant factors in what follows.

### **3.5.1 Student Factors**

At the level of student factors associated with persistent school non-attendance, we need to examine general illness and mental health, special educational needs, the age of the pupil, ethnicity, and the issue of low self-esteem.

**General illness and mental health.** A number of studies have found that one of the most common reasons for children missing school is due to general illness (Galloway, 1985; NEWB, 2007b; Kearney, 2008; Kearney et al, 2006, Sanchez, 2012). Kearney & Bensaheb (2006) outline a number of common health-related reasons given for lawful absenteeism and these include things such as, general illness, influenza, respiratory illness and chronic pain. Tinkelman and Schwartz (2004) claim that asthma is the most common childhood illness which can have an impact on a child missing school. While other studies outline the cause of school non-attendance as a result of a variety of health-related conditions such as depression, mental health issues and anxiety (Henderson et al, 2014; Kearney, 2008; Denny et al, 2003). The INTO (1995) reports that “*psychological and psychiatric reasons for school non-attendance also play a part, as in school refusal, bereavement, depression, or conduct disorders which are not confined to any social class or background*” (p. v). Kearney & Albano (2004) found that the most common diagnosis for children who exhibit school refusal behaviour includes separation anxiety disorder (22.4%), generalized anxiety disorder (10.5%), oppositional

defiant disorder (8.4%), major depression (4.9%), specific phobia (4.2%), social anxiety disorder (3.5%) and conduct disorder (2.8%). A student may also be persistently absent from school due to a myriad of other medical reasons such as developmental difficulties and chronic health issues (Sanchez, 2012).

**Special educational needs.** Some research data suggests that high rates of absenteeism and “truancy” are especially problematic for children with special needs (Spencer, 2009). A report by the Department of Education in England found that students with special educational needs were 4.7% times more likely to be persistently absent from school than those who did not have any special educational need (Thornton et al, 2013). In Ireland, it has been found that the rates of non-attendance remain substantially higher in special schools and higher in mainstream schools with special classes (Millar, 2016). It has also been suggested that having a special educational need may pose a higher risk in terms of the student’s school attendance (Thornton et al, 2013).

**Age of the pupil.** Taylor (2012) found in his inquiry into the problem of school non-attendance that as children progress through the school system, there is an increase in the number of pupils that are persistently absent. Further, by the time children have reached their mid-teens it has become more difficult for schools and parents to effectively address attendance issues. Taylor’s inquiry also notes that most parents who are prosecuted for the school non-attendance of children are parents of children in Year 10 and 11 (14 & 15 year olds). Taylor maintains that the patterns of non-attendance are established much earlier in a student's career and they are more likely to come from

families that place little or no value on education (Taylor, 2012). It has been shown that school non-attendance percentages increase steadily across the secondary school years and that the pattern of school non-attendance established in one year can carry over into the next (Attwood & Croll, 2006; Kearney et al, 2006). Sanchez (2012) agrees that students who are chronically absent from school are more likely to repeat their persistent non-attendance behaviour in subsequent years. From a review of the National Centre for Health statistics in 2003, Kearney & Bensaheb (2006) found that the rates of persistent school non-attendance tended to be higher among adolescents. Similarly, the EWS found that school non-attendance is greater among older children (NEWB, 2009). Sanchez (2012) found that the highest rates of chronic non-attendance, in the two school districts she researched, were among children who had initially entered the school system at the kindergarten stage. However, she also found that the rates for chronic non-attendance differ by grade level and the highest rate of chronic non-attendance were in the lowest and highest grade levels. Reid (2007) makes the observation that an increasing number of students are beginning their histories of school non-attendance in primary school and that the age of onset is becoming lower and lower.

**Ethnicity.** In Ireland, in 1992, the Green Paper, *Education for a Changing World* noted that only a small minority of the children of Traveller families were attending post-primary school, at that time, and proposed that there should be full participation in school life by all Traveller children. The Green Paper also outlined a number of proposals designed to increase participation and support integration at both primary and post-primary level (Coolahan, 1994). The Irish Census in 2002 revealed that for 54.8% of Travellers, primary education was the highest level of education they had completed

and that 63.2% of Traveller children under the age of 15 had left school (Pavee Point, 2004). At the time of writing school non-attendance levels are found to be higher among working-class and Traveller children (Darmody, Smyth & McCoy, 2008). In 2011, the Census found that the majority of Travellers failed to complete the senior cycle in post-primary school: 55% of Travellers have finished with full time education by the age of 15 (Pavee Point, 2014). Hayden & Blaya (2005) report that Traveller children in England and France are often viewed as poor school attenders and that these children have been identified as the ethnic group that is more likely to be excluded from schools in England.

**The issue of low self-esteem.** Children who are persistently absent from school have “*significantly lower academic self-concepts and general levels of self-esteem*” when compared with their peers (Reid & Kendall, 1982). They are also “*significantly more badly-behaved, neurotic, antisocial and alienated from their school than good attenders*” (p.299). Malcolm et al. (2003) identify low self-esteem, behavioural and psychological problems as contributory factors in poor attendance, while Timberlake & Sabatino (1994) affirm that school attendance is a significant variable in improving the low self-esteem of homeless children. Students with attendance difficulties in Corville-Smith et al (1998, p 8) study had lower ‘*global self-esteem*’ than regular attenders, and also scored lower on the evaluation of school characteristics, thus indicating less satisfaction with school and with their relationships with teachers. Another study which analysed the factors associated with “truancy” found that bullying was a contributory factor when it came to lateness but not when it came to “truancy” (Dimmick, Correa, Liazis &

McMichael, 2011). It has also been found that school loneliness is thought to be a strong predictor of early school leaving (Frostad et al, 2015; Darmody et al, 2007).

### **3.5.2 Family Factors**

As already noted, there are in addition to student factors, certain family factors that are associated with persistent non-school attendance. At the level of family factors we need to examine the role of the environment, parenting styles, the attitudes and expectations of parents, parental participation and socio-economic disadvantage.

**The role of the environment.** In the 1960s “truancy” was viewed as the result of difficult family backgrounds, which involved poverty, unemployment, alcoholism and/or neglect, and was considered to be closely related to delinquent behaviour (Tyerman, 1968). However, according to Reid (2010) this perception has changed and it is now believed that “truancy” can develop in climates of hostility, fear and low expectations. Claes et al. (2009) suggest that despite the fact that many industrial countries have a system of compulsory education, some children of school-going age are never registered at school and this is a problem mainly among minority groups, families that relocate frequently or families that live a transient lifestyle. Southwell (2006) notes that a parent’s own experience of school can impact on the way they engage with the school system on behalf of their children. Parents need schools to be welcoming and open and teachers willing to listen, but most importantly, parents need to be valued and respected.

**Parenting styles.** A number of issues such as hostility in the home, interpersonal difficulties among family members and maladaptive parenting styles can lead to persistent school non-attendance (Reid, 2010). Parenting styles have an impact on children's overall well-being and Dimmick et al (2011) describe four conditions that can give rise to antisocial behaviour in children. These conditions are: (1) a lack of positive regard on the part of parents; (2) a lack of warmth on the part of parents; (3) parents exposing children to inconsistent and harsh discipline; and (4) poor monitoring and supervision. Hallam and Rogers (2008) identify a number of adverse social circumstances, such as parental unemployment, poor access to education, housing and health care, alcohol or drug abuse and violence within the home, as being risk factors affecting school non-attendance.

**The attitude and expectations of parents.** The role of parental expectation in influencing children's educational progress has received substantial attention (Yamamoto & Holloway, 2010). In a 2005 study, Dalziel & Henthorne reveal how the views of parents of children with a good school attendance record differ from those of parents of children with a poor school attendance record. They identified four categories of parents whose children have a poor attendance record: (1) parents that try hard to tackle the problem of poor attendance; (2) parents that describe themselves as feeling powerless; (3) parents that appear to be over-protective or dependent on their child; and (4) parents that are apathetic or who appear not to engage with the school or with other support services (cited in Reid, 2007: p 400). Research by Dube and Orpinas (2009) examined the role that positive reinforcement plays in school non-attendance. They found that 60% of students in their study received positive reinforcements for missing

school such as staying at home or going to the shopping centre (cited in Dimmick et al, 2011; p15).

**Parental participation.** Early parental interest and involvement in a child's education is one of the major influences on educational attainment (Flouri & Buchanan, 2004). In their research, Flouri & Buchanan (2004) suggest that growing up in a one-parent family did not weaken the link between early parental interest and involvement in a child's education and later educational attainment. In relation to the Irish context, the INTO (1995) suggest that students can sometimes opt out of school due to feeling excessive pressure from parental academic expectations. In contrast, McCarthy et al (2004) propose that poor language skills can act as a barrier to parental participation. They also note that some parents lack a fundamental understanding of how the school system works, a situation that can limit their ability to participate. However, they suggest that most parents want their children to succeed in school, even if they themselves have underachieved. McNeal (1999) suggests that parental involvement, in such things as parent-child discussions and parent-teacher meetings are important considerations in explaining behavioural outcomes such as "truancy" and school dropout. Whereas, Atkinson et al (2002), cited in Hallam and Rogers, (2012) further report that certain parents take their children on extended holidays, during the school year which could indicate that a low value is placed on formal education or educational attainment.

**Socio-economic disadvantage.** It has been widely suggested and reported in the literature, that socio-economic disadvantage can have a negative impact on children's overall educational attainment and school attendance (Weir, 2004; Ipsos MORI, 2008). In Ireland, the working group on school attendance/truancy report (1994) concluded that serious non-attendance is inextricably linked to disadvantage. In the report, school attendance officers found that the problem of chronic non-attendance at school is concentrated in areas of economic and social disadvantage, where families are experiencing complex and difficult problems. Weir (2004) found in her analysis of school attendance data in Ireland that schools catering for larger numbers of students from disadvantaged backgrounds were likely to have lower attendance rates and a higher percentage of students absent for 20 days or more. She concluded that correlations existed, at primary level, between annual attendance rates of 20 days or more below the optimal and socio-economic factors such as unemployment, lone parent households, eligibility for a medical card and living in local authority housing. However, the relationship between poor school attendance and these socio-economic factors was weaker in rural schools. Since the introduction of the Education (Welfare) Act 2000, national statistics on school non-attendance have been collected on a yearly basis by the EWS, which has allowed for a greater analysis of school non-attendance issues throughout Ireland. Mac Aogain (2008) and Millar (2010, 2012, 2013, 2016, 2016a) argue that the rates of general non-attendance in primary schools are higher in Irish towns and cities than in rural areas, and absences for periods over 20 days are almost twice as high for the same urban group with this pattern remaining stable year on year. In another Irish study, Smyth (1999) found that parental social class has a significant impact on school absenteeism, with rates of non-attendance almost twice as high among

those from unskilled manual backgrounds. However, Sanchez (2012), reports that receiving public assistance did not play a significant role in whether a student was chronically absent from school. McNeal (1999) suggests that children from family backgrounds with lower social and cultural capital are more vulnerable to behavioural outcomes such as “truancy” and dropping out of school.

### 3.5.3 School Factors

As already mentioned, there are a number of school factors that can have an impact on persistent school non-attendance. We will now discuss the effects of school climate, school curriculum and academic ability, school type, and teacher-pupil relationships.

**School climate.** Over the past number of years the literature has placed a greater emphasis than ever before on the effect that the school climate and environment can have on school non-attendance (Attwood & Croll, 2006; Claes et al, 2009). Harvey (2003) suggests that schools themselves may contribute to “truancy”. Pellegrini (2007) contends that schools play an important role in instilling the values and culture of society in children, as well as teaching them the essential skills they require in order to function in everyday life. He concludes that it is not surprising that school absenteeism is considered detrimental to both children and society. Chang & Romero (2008) report that attendance is higher in schools that provide a rich learning environment with highly experienced teachers who actively encourage parents to become involved in their child’s education. Southwell (2006 p94) believes that the inclusion of the ‘*truants voice*’ in

research is useful in revealing the extent of in-school effects among the diverse causes of “truancy”.

Other research has concentrated on young people’s views on the importance of the school environment in relation to their sense of overall connectedness to school. Attwood & Croll’s (2006) research focused on analysing young people’s views in a small scale study. This study highlighted the role that the school environment played in the young people’s disaffection with school. For some of the young people, it was the tense and disruptive atmosphere, rather than a specific act of bullying, which led them to become persistent truants. Claes et al (2009) also found in their analysis that schools can have a positive impact on “truancy” levels by providing a supportive, caring environment and by promoting the open participation of parents in the school process.

**School curriculum and academic ability.** It was not until the 1970s and 1980s that such things as fear of teachers or subjects and of the school curriculum itself started to be explored as potential causes of “truancy” (Harvey, 2003). Reid (2003) suggests that school related issues such as the quality of teaching, the school ethos as well as school leadership and curriculum are significant factors that can impact on school attendance. This view was also expressed in the Comptroller and Auditor General report (2005). McCarthy et al (2004) outlines that within the school system, academic failure at primary level in conjunction with early antisocial behaviour and a low degree of commitment to school are factors that are predictors of delinquent adolescent behaviour. In addition to this, McCoy et al (2007) report that students with lower academic ability

and those from disadvantaged backgrounds are more likely to be absent from school, and schools with a higher concentration of these students will have higher overall absenteeism levels.

**School type.** Within the Irish educational system, Smyth (1999) found that school attendance varies according to school sector. He noted that poor school attendance is more prevalent among students in vocational schools and the rate of non-attendance amongst secondary school students is lower. However, the research found that there is no significant difference in attendance levels when the nature of pupil intake is taken into account, and so the high rates of school non-attendance found in vocational schools could be due to the over-representation of lower ability and working-class students. It has been suggested that students attending smaller schools show signs of higher attendance levels (McCoy et al 2007; Gardner et al, 2000). However, the rates of school non-attendance were found to be 25% higher in vocational schools as opposed to secondary schools, and the rates of 20-day absences were 50% higher (Mac Aogain, 2008). All forms of school non-attendance which includes 20-day absences are generally lowest in secondary schools and higher in community/comprehensive schools and vocational schools and the pattern seems to be consistent year on year (Millar, 2016).

**Teacher-pupil relationship.** There is clear evidence to suggest that positive teacher-pupil relationships are central to the healthy development of students in school (Hajdukova, et al, 2014; Baker, 2006). In a study conducted by Pomeroy (1999) interviews were carried out with a number of students that were excluded from post-

primary school. All aspects of their experience leading up to their exclusion were explored. The research identified three key factors as being problematic for the students: (1) the relationship with teachers; (2) relationships with their peers and (3) outside factors such as home life or involvement in criminal activity. However, the students' relationship with their teachers was the most notable and consistently described feature of the interviewees' school experience. Students reported that the behaviour of their teacher was antagonistic and included shouting, responding sarcastically and belittling students. Teachers that were able to establish good relationships with the students were viewed in a positive way. Smyth's (1999) research found that overall attendance levels are significantly higher in schools where teachers have high expectations for pupils, regarding their level of educational attainment. He suggests that the nature of the interaction between teachers and pupils has a considerable effect on school non-attendance. Students are less likely to be absent from school when they experience more positive interactions with their teachers. McCarthy et al (2004) observe that, in schools that have high expectations of pupils and provide opportunities for them to participate and contribute, pupils can become more resilient. The key factor here is, they say, the development of caring relationships between teachers and pupils. Bronfenbrenner describes these types of interactions as *proximal processes* which are complex interactions, between the individual and their environment and are the driving force of development for the individual (Bronfenbrenner, 1994; p38).

### **3.5.4. System Factors**

As already noted, system factors are factors external to the student, family and school that can also impact on school non-attendance (The National Centre for Mental Health Promotion and Youth Violence Prevention, 2007). Claes et al (2009) state, that “truancy” should be considered a major problem for the education system and recommends the proposal that reducing “truancy” should be an important policy goal across a range of Government departments. Eastman et al (2007) argue that a potential contributory factor to the cause of “truancy” lies in the fact that school communities fail to instigate court proceedings that promptly enforce the legal consequences of compulsory attendance legislation. According to McCoy et al (2007), the nature of the school system used for monitoring and responding to school non-attendance is likely to have an impact on attendance levels, while Spencer (2009) recommends that on-going analysis of attendance data within the school system could help identify early patterns of school non-attendance that can lead to “truancy” in the later years.

McCarthy et al (2004) suggest that children are affected by different considerations, such as the neighbourhood they live in or the values and customs held locally or nationally, and that communities can provide protective factors that help create resilience. McCarthy et al (2004) propose that when opportunities exist within communities for positive participation, children are less likely to engage in problematic behaviours such as “truancy” and early school leaving. Another factor that was found to impact on school non-attendance has been described as third generational “truancy” (Reid, 2008).

The diagram below outlines Bronfenbrenner’s bioecological theory in respect of the factors influencing school absenteeism. Bronfenbrenner’s bioecological theory uses a systemic framework where the overall environment is conceptualised as a set of embedded structures (microsystem, mesosystem, exosystem, macrosystem and chronosystem) each inside of the next (Lau & Ng, 2014). The interactions between the student and their environments can influence developmental change. Bronfenbrenner’s Bioecological theory when applied to school absenteeism provides a useful framework for understanding the different factors that can influence school absenteeism and ultimately the child’s development.

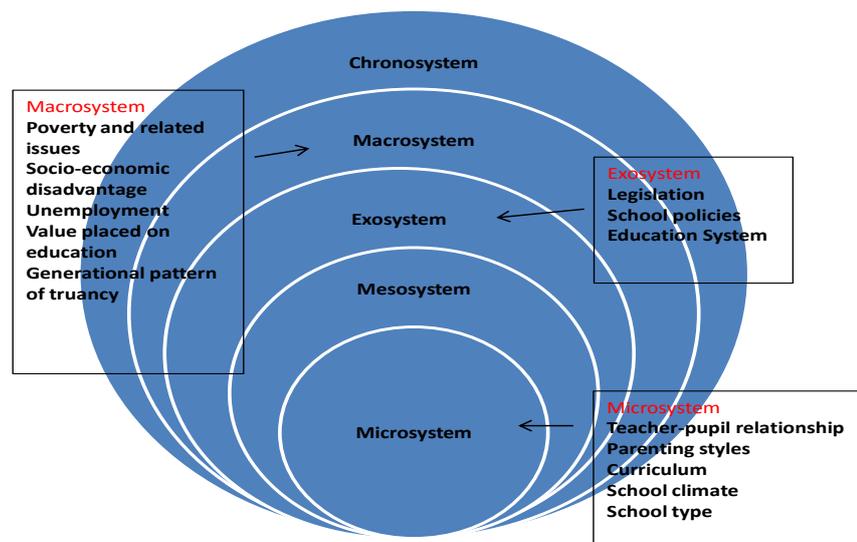


Figure 3.1 Bronfenbrenner Bioecological Theory and School Absenteeism

### 3.6 School Non-Attendance and the Prosecution of Parents

In Ireland, a number of preventative strategies are employed by schools, parents and other agencies in order to address the issues of school non-attendance. A number of

different interventions are offered, depending on the issue that is preventing the child from attending school. These interventions can range from in-school supports, referrals to the homework and breakfast clubs, attendance review meetings, parent teacher meetings, conducting home visits, making referrals to other agencies, monitoring school attendance, applying for extra resources or in some cases, changing school. However, sometimes these strategies may not have the intended outcomes of improving school attendance and as a result parents could be prosecuted for the school non-attendance of their children, although this course of action is taken only as a last resort. As already noted, no research has been conducted to date on the practice of prosecuting parents for the school non-attendance of their children, from an Irish context. However, research has been conducted on the use of legal sanctions to address the issues of school non-attendance internationally which may provide some insight into the practice of prosecuting parents for the school non-attendance of their children. For that reason, this section will outline a number of procedures that are used internationally relating to the practice of prosecuting parents for the school non-attendance of their children. These include truancy prevention programmes, parental responsibility measures, financial penalties and parental prosecutions.

### **3.6.1 Truancy Prevention Programmes**

Truancy prevention programmes are well established in many countries across the world (Fischer, 2013; Lenzen & Brunner, 2013). While truancy prevention programmes vary, the central aim is to improve school attendance (Byer & Kuhn, 2007;

The American Bar Association, 2012). This section will outline a number of truancy prevention programmes from across the United States of America (USA) and Europe.

**USA.** Over the last number of years, a number of “truancy” prevention programmes have been developed in the USA, as alternatives to court sanctions in order to try and resolve the difficulties associated with persistent school non-attendance. Despite the lack of standardisation, these initiatives have generally been successful at reducing levels of “truancy” as the issues are addressed as early as possible with interventions, rather than solely relying on punitive measures and as such the combination of supports, sanctions and rewards offer the best opportunity in reducing “truancy” (Fischer, 2013). In the USA, Campbell (2010) points out that the consequences for “truancy” vary from State to State and from school district to school district. Since the introduction of the No Child Left Behind Act (2002), all schools are required to report on attendance rates, but differences in the definition of “truancy” mean that it has been difficult to collect and compare data at a national level (TruancyPrevention.org, 2014). The juvenile court processes “truancy” petitions where the judge can impose various sanctions such as curfews, out-of-home placements and revocation of driving privileges. The court may also fine or imprison a parent who is found guilty of their child's school non-attendance. However, Judges have the authority to suspend fines and imprisonment and establish conditions to promote the child's attendance at school (Shdaimah, Bryant, Sander & Llewellyn, 2011).

In 1995, Washington State changed their compulsory school attendance laws which now require school districts to file “truancy” petitions in juvenile court when

students accumulate five unexcused absences in a month or ten unexcused absences within a year. Under the law community “truancy” boards were set up to address attendance problems and divert students from the court process (Washington State Institute for Public Policy, 2009). The King County Superior Court in Seattle developed a community “truancy” board due to the overwhelming number of such petitions being filed in court. When a “truancy” petition is filed, families have the option of attending a “truancy” workshop, participating in a community “truancy” board hearing or proceeding to court on the "truancy" charges that were filed. The workshop is attended by both the parent and the student and includes information about "truancy" laws and facilitates the parent and student to address the causes of their "truancy". The community "truancy" board hears individual cases, assists in developing a plan with the student and family and sees it through to the point of monitoring compliance with the agreement. These alternative programmes focus on helping the student re-engage with school, whilst also ensuring that the parent and student are accountable for their actions. If parents do not follow up on the plan for improving their child’s attendance at school, the "truancy" petition is then filed in Court (Washington State Institute for Public Policy, 2009). A similar programme was also developed in the Tahoma School District, a suburb of Seattle. The programme co-ordinator reported that 85% of students that participated in the "truancy" prevention programme returned and remained in school. Furthermore, 78% of the 3,000 young people that participated in the attendance workshop avoided formal court intervention for "truancy", in the 18 months following their participation (Virginia Department of Education, 2006).

A review of the Alameda County "truancy" programme operating in California, took place in 2011. In a sample of 53 students whose parents appeared before the court during 2010/11 school year, 96% of the students showed improvements in overall attendance with the remaining 4% showing no improvements at all. Furthermore, 52% of the students showed improvements in school attendance ranging between 75-100%, while another 30% of students showed an increase in attendance of 50-75%. The research also noted that there were improvements in the students' punctuality with 69% of students showing improvements in being on time for school while 31% showed no improvement at all. Overall statistics from three academic years from between 2008-2011, found that 94% of students' attendance improved and 77% of students showed improvements in punctuality (O'Malley & Drenick, 2011).

A study of "truancy" intervention practices in Virginia was undertaken in 2005 as part of an overall "truancy" prevention initiative. This study was designed to provide a general overview of current school and community practices concerning "truancy". It found that alternative education plans, coupled with penalties for absenteeism and court intervention, were effective in cases of chronic non-attendance. The results of the study showed that 40% of schools reported that interagency reviews of "truancy" cases were conducted prior to approaching juvenile court. In exploring the process of whether to pursue court action against a child or a parent, the study found that less than half of the attendance officers interviewed reported consulting with a school board or the county attorney. The study found that procedures and guidelines, developed jointly by schools and court services, were rare. The study also reported that there were considerable differences in the number of "truancy" petitions filed by individual schools which

suggests that there are significant inconsistencies regarding the level of court involvement in relation to “truancy” cases across the State (Virginia Department of Education, 2006).

Once a student has fifteen or more unexcused absences, in Baltimore, the school can file a complaint with the "truancy" office, which will determine whether a prosecution is appropriate. The American Bar Association (2012) believes that given depleting resources, schools and city officials must ensure that any strategy to reduce "truancy" levels is cost-effective and productive. It was recommended that schools and city officials divert scarce financial resources into developing a citywide "truancy" mediation programme, one aimed at improving school attendance rates, as opposed to prosecuting parents. It suggested that prosecutions should only be reserved for parents of school children who actively prevent their child from attending school after "truancy" mediation has taken place, and that prosecutions should occur in a timely manner in order for it to have a valuable impact on a child’s future education (The American Bar Association, 2012).

The Jefferson County Truancy Court Diversion Project developed out of the collective frustration of the family courts and the public schools in 1997 as hundreds of parents were being prosecuted on an annual basis charged with the status offense of “truancy” with little lasting change even after months of court appearances and legal threats. The ability of the court to influence, convene and lead the community on behalf of its children and families was seen as fundamental to meeting the challenges of developing an effective “truancy” prevention response. One of the principles of the

“truancy” prevention programme highlights the importance of the court judge asserting leadership in order for the appropriate prevention and early intervention services to be mobilised and brought to bear on the “truancy” problem (Byer & Kuhn, 2007). When it comes to the attention of the judge that a domestic violence, child protection or substance abuse case may be pending in the system such matters can be coordinated with the child’s “truancy” matter to help ensure that appropriate services are provided to the family members in an integrated way (Byer & Kuhn, 2007).

**Europe.** A number of truancy prevention programmes have been developed throughout Europe in order to try and resolve the difficulties associated with school absenteeism and to prevent Early School Leaving (ESL). This section will outline truancy prevention programmes from a number of European countries such as Germany, Estonia, Italy, Spain, Romania, Netherlands, Lithuania, Belgium, and Malta. One such programme called ‘Working in Europe to Stop Truancy among Youth’ (WE-STAY) was developed in 2010 and comprises six European countries<sup>14</sup> with another four countries<sup>15</sup> acting as consultants (Lenzen & Brunner, 2013). The ‘WE-STAY’ project was developed to collect data on truancy and to perform a randomized controlled trial on three intervention programmes<sup>16</sup> in order to assess their effectiveness in preventing truancy and promoting mental health (Community Research and Development Information Service, 2013). The programme included a universal intervention based on an awareness programme for teachers, parents and students, a screening intervention aimed at identifying ‘at-risk’ students, a combination of the above two interventions and

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<sup>14</sup> Germany, Estonia, Italy, Spain, Israel and Romania

<sup>15</sup> Sweden, Slovenia, Hungary and France

<sup>16</sup> professional screening (TRUANCYSCREEN), awareness of truancy and mental health problems (TRUANCY-AWARE), combination of the professional screening and awareness (TRUANCY-COMBINE) and a control group (TRUANCY-MIC)

a control group (Carli et al, 2013). In total 11,186 adolescents took part from across different schools in Europe. It was found that students that completed any of the three interventions after one month showed a significant decrease in school refusal behaviour, emotional difficulties and peer problems. It was also found that there was a significant improvement in the students' well-being. The evaluation revealed students that completed any intervention after 12 months became non-truant in 52.2% of cases. The 'WE-STAY' results suggest that a mental health component should always be included in any truancy prevention programme (Community Research and Development Information Service, 2013).

Research in the Netherlands evaluated a truancy prevention programme tackling school dropout in the Dutch secondary education system. In the first instance a social worker or a mentor meets with the child who is showing signs of school absenteeism. This is then followed up by a home visit if necessary. The home visit discusses the importance of schooling with both the student and parent. At the same time specific information sessions are organised by the attendance officer for school personnel containing information on school attendance, care for 'at-risk' students, registration and better reporting. As a final part of the intervention school management, teachers, social workers and attendance officers meet on a regular basis at the school. The results of the study suggest that the truancy prevention programme significantly reduced school dropout across all levels of schooling in the first year of implementation and there was a positive net benefit for the student, school and society (Cabus & Witte, 2013).

There are a number of countries across Europe<sup>17</sup> that have developed ‘Early Warning Systems’ as a response to the issues of school absenteeism and ESL, with the intention of providing timely and targeted support for pupils at risk (European Commission, 2013; Hall & Murphy, 2013; Ministry for Education and Employment 2014). These systems are generally part of the mainstream school system except in three countries (Austria, Croatia and the UK) where they have developed separate entities (European Commission, 2013). In Croatia, the Early Warning System is linked to the schools’ responsibility to monitor the child’s attendance. It is the schools’ responsibility to ensure that teachers, management, other professionals and parents come together if absenteeism becomes an issue (European Commission, 2013).

In Lithuania a national register has been developed to include all children not in education and pupils that miss at least half of their lessons during a one month period. The data on the register can be shared with other agencies such as social affairs and health care in order to support the young person and their family (GHK Consulting, 2011; European Commission, 2013). In Belgium, an action plan was developed which is aimed at all children in compulsory education with a specific focuses on pupils at risk of ESL. The programme addresses anti-social behaviour and truancy in a continuum of understanding the phenomenon, preventative work, guidance and sanctioning (Hall & Murphy, 2013). In Malta, a nationwide electronic register has been put in place for the day to day recording of students’ school attendance in all State schools. Once a child is noted as absent a text message is sent to the parents to notify them. If recurrent absences

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<sup>17</sup> Some of the Countries include: Austria , Belgium, Bulgaria, Croatia, Czech Republic, Estonia , Hungary, Ireland , Latvia, Lithuania, Norway, Poland , Slovakia , Slovenia, Spain, Sweden and United Kingdom

are identified the school must notify the psychological and social services in order to start investigating and put a plan in place to improve the school attendance (Ministry for Education and Employment, 2014). The Early Warning Systems in a number of countries are driven by national policies and legislation and include: Austria, Croatia, Estonia, Bulgaria, Latvia, Lithuania, Slovenia, Sweden and Ireland (European Commission, 2013). In general, it was found that monitoring systems are poorly developed across the Europe and that some Member States have no system to monitor absenteeism or to identify children at risk of dropping out of school (GHK Consulting, 2011).

The overview of truancy prevention in the international context shows the complexities involved with school absenteeism. The review of the “truancy” prevention programmes indicates overall improvements in school attendance for the majority of the children who participated in the programmes but in some instances the improvements are short-lived. Many of the “truancy” prevention programmes developed in the USA are much more intertwined with the court system whereas in Europe they seem not to be. Overall, there is a lack of standardisation when it comes to developing “truancy” prevention programmes which can create difficulty in evaluating programmes at international, national, regional or local level. However, the lack of standardisation may result in developing “truancy” prevention programmes that are tailored made to a local area, whereas a national “truancy” programme may not meet the needs of every community dealing with the issue of “truancy”. Another observation is that some “truancy” prevention programmes are only concerned at improving school attendance and as a result may not treat the underlining issue of truancy which could account for the lack of improvement in attendance over time. However, it is clear to see the importance

of these programmes in improving school attendance without the need to pursue parents through the court system.

### **3.6.2 Parental Responsibility Measures**

The United Kingdom (UK) has introduced a number of legal strategies in order to try and address poor school attendance. These strategies are known as Parental Responsibility Measures (PRM). The PRMs include: (1) parenting contracts; (2) parenting orders and (3) fixed penalty notices. There is also another Government initiative called ‘fast track to prosecution’ which is used in cases of persistent non-attendance (Blacknell Forest Council, 2015). Parenting contracts are voluntary, written agreements between the parent and school or Local Education Authority (LEA)<sup>18</sup>. Parenting orders impose certain requirements on parents to attend counselling or parenting programmes for a period of up to three months. The UK’s Anti-Social Behaviour Act 2003 has given schools, police and LEAs the power to issue attendance-related penalty notices which Zhang (2007) reports are used as an alternative to prosecutions against parents who fail to ensure their child attends school regularly. ‘Fast track to prosecution’ is a time-focused case management attendance programme which specifies clear actions for improvement. If the poor school attendance continues to remain an issue, prosecution procedures are initiated.

Research by Crowther & Kendall (2010) found that the use of all PRMs has increased nationally since 2004-05 and that “fast track to prosecution” was the most common measure used. The analysis also identified that there was a significant increase

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<sup>18</sup> The Local Education Authority (LEAs) is the local councils in England and Wales that are responsible for education within their area.

in penalty notices and parenting contracts for school non-attendance matters. LEAs with higher rates of persistent absenteeism, in post-primary schools, were more likely to utilise fast track measures. Resource issues, access to appropriate support for families and staff workload were all identified as barriers to using the various measures mentioned. Inconsistencies in court outcomes, such as low fines arising from prosecutions were felt by the EWOs to undermine the potential impact of legal intervention. However, a third of the survey respondents felt that other measures for supporting attendance were more effective. The research suggested that measures used as part of a wider integrated approach can be successful in addressing irregular attendance and persistent absenteeism. Fast track was viewed as being the most effective measure in realising a long-term, sustainable impact on attendance levels. The research found that the average school attendance for pupils prior to their involvement in fast track was 24% whereas three months after prosecution the pupil's average attendance increased to 68%. However, the study also noted that 9 of 17 fast track cases resulted in initiating prosecution procedures (Crowther & Kendall, 2010).

An evaluation of the UK's fast track programme for school non-attendance was conducted between January 2003 and June 2004 on 484 individual cases. In cases where fast track was identified as an appropriate strategy, parents were given 12 weeks to ensure that their child regularly attended school or face prosecution. Halsey et al (2004), reports in their evaluation that the school attendance of 51% of cases increased when they first entered fast track. Attendance was more likely to increase rather than decrease, during the programmes early period. However, when cases exited fast track only 37% of cases showed an improvement in school attendance at this stage. Nonetheless, more

cases showed an increase, as opposed to a decrease, in school attendance, for the monitoring period of the programme. When examining the actual attendance levels the average attendance increased by 11% during the fast track programme but was not sustained after the cases exited fast track. There were also some positive impacts on pupils and parents alike, for example, pupils' attitudes were more positive towards school attendance, while parental responsibility improved as did students overall attendance levels. This evaluation found that fast track was most effective in cases of less persistent non-attendance and where the pupil's family situation was not characterised by complex social issues. While these evaluations report improvements in school attendance for the children attending the fast track programme, there appear to be some variation in the level of improvement.

### **3.6.3 Financial Penalties**

A number of countries across the world employ have introduced the use of financial penalties as a strategy to coerce parents to send their children to school. The next section will outline examples from the UK, USA, Europe and Australia.

**UK.** In the UK, the 1996 Education Act states that a parent can be fined, if their child of compulsory school age fails to attend school regularly (Kendall, 2003). Parents who are found guilty of an offence under this Act can have penalties of up to £2,500 imposed on them. According to the UK's Department of Justice, a total of 11,757 parents were prosecuted for failing to ensure that their child attended school regularly in 2010. Just over 9,000 of these cases received convictions with nearly two-thirds of those

being fined for failing to ensure that their child attended school (Shepherd, 2012). The number of parents being prosecuted, in the UK, has risen steadily in recent years. Nevertheless, the English government is looking at tougher sanctions for parents whose children continue to miss school. Following on from the summer riots in 2011, the English education secretary, Michael Gove, spoke about the link between illiteracy, disruption, "truancy", exclusion and crime and argued that the existing sanctions were far too lenient. At the same time, however, the general secretary of the Teachers Union, Christine Blower, questioned the effectiveness of prosecuting parents over "truancy" and expressed the need to support parents in order to ensure that their child gets the education they need (Vasagar & Gurner, 2011).

Prior to the court process, schools and Local Education Authorities (LEA) have the option of imposing a fixed penalty notice on a parent who does not send their child to school. The parent is issued with a fine of £50 and has 28 days to pay. The fine is doubled after this initial period of time has lapsed and if the parent has not paid the fine within 42 days, the parent is then prosecuted under section 444 of the Education Act 1996 (Taylor, 2012). Shepherd (2012) highlights the fact that across England, there are roughly 83 fines issued, per 1,000 pupils missing over 15% of school each year. In 2010, out of 9,147 parents found guilty in court 6,591 received a fine or a more serious sanction. Taylor (2012) has recommended that the fixed penalty fines should increase to £60 and subsequently £120, if not paid within the 28 day period and suggested that the payment should be deducted directly from child benefit and for those parents who do not receive this payment and fail to pay the fine; the money should be recovered through the county court system. Taylor (2012) suggests that the LEAs should maintain

responsibility for taking persistent offenders to court but that the judicial system's response needs to be firm as a fine for school non-attendance would have been previously issued in these cases.

**USA.** Approaches to "truancy" are developed within the framework of State and Federal laws and as a result there are wide variations in terms of policing "truancy" throughout the USA (Fischer, 2013). In the State of Wisconsin, "truancy" is defined as an unexcused absence for students aged 6-18, for all or a portion of the school day. Habitual "truancy" is regarded as a "status offence", (p 3) an action that would not be considered criminal were it committed by an adult. Parents must be notified, in writing, by the school authorities regarding habitual "truancy", and they can be subjected to fines for their child's non-attendance (Eastman, Cooney, O'Connor & Small, 2007).

Nearly all States have a system of fines in place for parents who breach compulsory attendance laws. Nineteen States allow parents to be fined from \$100 up to \$1000 if they are found guilty for the school non-attendance of their child. Normally the fine increases according to the number of offences committed. For example, in the State of Iowa, a first offence is \$100 while the second is \$500 and the third offence being \$1000. However, the penalties are less clear in 14 States where parents can be referred to court and may face misdemeanour charges where a fine could be imposed. Other States, such as Oklahoma, have been requested to enact tougher compulsory attendance legislation, whereby charges can be brought against parents whose children are not attending school. In 2005, Kentucky lawmakers passed a bill that established fines of \$100, for 'habitual truancy', for a first offence or \$250 for each subsequent offence, for

parents of students under 18 or for parents of students with special needs up to the age of 21 (Christine, 2006: p 486). In the County of Alameda in California, cases are referred to the District Attorney's office when a parent contravenes compulsory education laws. If a parent breaches the County's Education Code, the charge is classified as an infraction and the legal consequences include a fine of up to \$500. If the parent violates the Penal Code, the charge is classified as a misdemeanour and the parent can be fined up to \$2000 (O'Malley & Drenick, 2011).

A programme known as 'Learnfare' was introduced in different States across the USA. It is a conditional cash penalty programme that decreases a family's welfare benefit if their child fails to meet certain school attendance requirements (Dee, 2009). The programme was found to increase enrolment by 3.5% and attendance by 4.5% in Wisconsin (Dee, 2009). However, an earlier evaluation indicates that the 'Learnfare' programme had no effect on increasing school attendance (Quinn & Magill, 1994). Initially intended to tackle truancy Wisconsin's 'Learnfare' programme has a highly punitive effect on all members of the family. It clearly places a burden on poorer parents as there are no state sanctions for school absenteeism on non-welfare dependents (Drumbl, 1994). However, the 'Learnfare' requirements in Ontario are more onerous on parents as the parent is penalized for the child's failure to make satisfactory progress in school (Drumbl, 1994).

**Europe.** Several countries in Europe implement programmes that make social welfare benefits conditional on compulsory school attendance (Medgyesi, 2016). One of

the main elements of such programmes is the specific behavioural conditions attached to benefits. For example, in Flanders, Belgian families from poor and middle income households receive a cash payment to help cover expenses related to schooling. However, if the requirements regarding school attendance are not met, the benefit is withdrawn (Medgyesi, 2016; De Wilde & Goris, 2015). In several Eastern European countries, child benefit is conditional on school attendance (Medgyesi, 2016). In Bulgaria the child allowance is automatically withdrawn for the month following any month a child exceeds five unexcused absences from school, with similar programmes operating in Slovakia, Hungary and Romania (European Commission, 2013; Medgyesi, 2016). In 2010, Hungary introduced a schooling allowance programme. If a student fails to comply with the school attendance requirement, without a proper excuse, the allowance is suspended. However, if the child misses 50 hours of school they could be taken into the protection of the local authority (Medgyesi, 2016). However, the suspension of family allowances in relation to “truancy” is viewed as a disproportionate limitation on the right of the family to economic, social and legal protection (European Union Agency for Fundamental Rights and Council of Europe, 2015). A new law came into force in Austria in 2016 which requires parents to ensure that their child between the age of 15 and 18 participates in further education and training and could receive a fine between \$100 and \$1000 if they fail to do so (Fink, 2016).

**Australia.** By law, parents in Queensland, are held accountable for their child’s failure to attend school and could ultimately face prosecution with a maximum penalty of \$600 for a first offense or \$1200 for any subsequent offence (Dickson & Hutchinson,

2010). In 2009, the Queensland Government decided to pilot a programme entitled Improving School Enrolment and Attendance through Welfare Reform Measure (SEAM). The programme was introduced as an additional tool to help resolve intractable cases of enrolment or poor attendance (Dickson & Hutchinson, 2010). The SEAM programme was designed to trial the attachment of conditions to income support payments with the aim of encouraging parents to ensure that their child was enrolled in and attending school regularly (Commonwealth of Australia, 2014).

One of the principles underpinning the SEAM programme was the importance of parental efforts in encouraging education and the desire to halt intergenerational disadvantage through better schooling outcomes (Dickson & Hutchinson, 2010). The programme was initially implemented against the backdrop of the Northern Territory Emergency Response (NTER) which was an intervention directed at the indigenous population and included a number of initiatives to improve school enrolment and attendance (Broome, 2010). Initially in the Northern Territory there was a strong response which increased participation rates of the indigenous community. However, the threat of withholding welfare payments was not usually carried out in practice which became widely known, participation rates fell off substantially in the following year (Justman & Peyton, 2014). Any effort to enforce compulsory schooling by linking welfare payments to school attendance will not be fully effective in the longer term

unless they are accompanied by measures that increase parents and children's appreciation of the value of education (Justman & Peyton, 2014).

The review on the use of financial penalties for school non-attendance highlights the growing use of such measures in different countries around the world. Overall, the research suggests that this strategy has a limited impact in relation to the improvement of school non-attendance. The review also outlines that in some jurisdictions it has been recommended to increase the financial penalties for school non-attendance. However, more astonishingly the review found that school attendance has been linked to social welfare payments in different jurisdictions, where in one example school attendance increased by 4.5% as a result (Dee, 2009).

#### **3.6.4 Parental Prosecution**

Every year parents are prosecuted through the courts for the school non-attendance of their children in different countries around the world (Kendall et al, 2003; American Bar Association, 2012). This next section will examine the practice of prosecuting parents for the school non-attendance of their children from the UK and the USA.

**UK.** A UK, study by Kendall et al (2003) undertook to explore and analyse the prosecutions of parents as a strategy to improve children's school attendance in 119

LEAs. The total recorded number of pupils involved in prosecutions between September 2001 and July 2002 was 5045. Prosecutions were more likely to be taken against parents of year 10 students (14 year olds), with approximately three-quarters being brought against female parents. Different factors were found to impact on the level of prosecutions taken, within a specific area, and these included external influences, as well as factors relating to the organisation and structure of the EWS. Socio-economic, geographic and demographic factors were identified in the study as significant elements in understanding the levels of prosecutions taken. Individual circumstances also played a role in the type and level of prosecution sought by authorities. Overall 90% of EWS agreed with the general principle of prosecution with over 70% believing that prosecutions could be an effective strategy in addressing absenteeism and "truancy". The interviewees in the study viewed the process of bringing parents to court as more effective than the actual sanction imposed by the court for school non-attendance. Resource issues, coupled with the perceived inconsistency in court outcomes, were highlighted as factors that negatively impact on the overall outcomes. Different opinions emerged in the study regarding the viability and appropriateness of the various types of disposals<sup>19</sup> arising from prosecutions for school non-attendance, as well as the variation in the decision-making process (Kendall et al, 2003).

In 2009, research was undertaken regarding the effectiveness of parental prosecutions within one LEA in the UK. During 2007-2008, a total of 629 primary school children were referred to the LEA in question, with 38 cases resulting in a

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<sup>19</sup> The range of disposals arising from prosecutions for school non-attendance are fines, conditional discharge, education supervision orders, parenting orders and community based penalties

prosecution. Of these 38 cases, data was unavailable for 12 while three cases had resulted from the non-payment of a penalty notice. In a further eight cases, the prosecution was not concluded, thereby leaving a total of 15 prosecution cases to analyse. The average school attendance, before prosecution, was 60.8% with attendance ranging between 0% and 92.6%. Following prosecution, the average school attendance rate, among this cohort, increased to 88.6%, with attendance ranging between 57.4% and 100%. Overall, school attendance increased by 27.8%. However the attendance of three of the cases improved from 0% to 100%, which was due to the children in question being taken into care. Children from lower socio-economic backgrounds were over-represented in the study, as were male students. Lone mothers were much more likely than any other family type to be prosecuted for school non-attendance matters. Wright (2009) found that 80% of cases improved following a prosecution indicating that prosecution had been successful in this LEA for the period outlined. This study has its limitations given it was small in size and related to a relatively short period of time. These factors must be taken into account when attempting to draw particular conclusions. It is also very difficult to attribute improvements in school attendance to prosecutions alone, given that there are many different factors which impact on this (Wright, 2009).

In 2002 a study was conducted, in the UK, aimed at investigating the association between attendance-related parental prosecution and the levels of pupil absence (Zhang, 2007). This research was expanded in 2005 to include the data of parental prosecutions between 1999 and 2006. A total of 9 correlation tests were devised in order to examine the main hypothesis, namely, that the level of reduction a LEA achieves, in absence

rates, is associated with its readiness to issue penalty notices to parents. None of the tests produced any correlation coefficient that was statistically significant that would confirm an association between penalty notices and absence rates in general. A survey among 78 Educational Welfare staff was also included in this research, in order to investigate their experience and perceptions in understanding absenteeism. It was discovered that when asked whether the measure of penalty fines was effective in helping improve school attendance, 48% believed that it was. A further 31% of respondents were unsure if it was an effective measure while 19% believed that this measure would not work to improve attendance. The remaining 2% did not think it was important whether attendance-related penalty fines worked or not. The survey findings are in stark contrast to the statistical analysis undertaken in the study, which suggests that policy makers and practitioners largely believe that holding parents responsible is the right approach in tackling school absenteeism (Zhang, 2007).

In another study investigating the use of PRMs for school non-attendance, prosecutions were found to be less effective for students with entrenched attendance issues (Crowther & Kendall, 2010). Parents that were interviewed for this research expressed that their fear of prosecution had played a significant role in improving their children's attendance. Those parents who were prosecuted found that the experience of court itself helped to improve attendance. However, the impact of prosecution was less effective where there was an ingrained culture of non-attendance and when parents or pupils had no fear of prosecution (Crowther & Kendall, 2010).

In the UK, there exists a comprehensive set of legal powers relating to school attendance such as parenting contracts, parenting orders, education supervision orders, penalty notices as well as fines and prosecution. Donoghue (2011) argues that the legislation and strategies adopted in recent times are concerned with the governance of parental responsibility and this disproportionately burdens mothers. It is also suggested that the momentum of reform was designed to enforce parents' statutory duties and responsibilities, while there is little evidence to suggest that this agenda has reduced "truancy" levels since a limited amount of research has been undertaken since the introduction of recent school attendance legislation. Women made up two thirds of all parents sentenced for offences involving children's non-attendance in England and Wales between 2002 and 2006 (Donoghue, 2011).

In the UK, the Children Act 1989 makes it clear that biological mothers always possess legal parental responsibility for their child whereas fathers who are not married to the child's mother or who are not named on the child's birth certificate do not automatically acquire parental responsibility, therefore unlike mothers, fathers do not always have parental responsibility for their children. However, the statutory obligation to ensure a child's education is imposed on all parents, which is interpreted as those who care for the child irrespective of whether they hold the legal concept of parental responsibility under the Children Act 1989. In respect of a parent's responsibility to ensure a child's education, it is mothers who are statistically more likely to care for the child and therefore the parent most identified in the legislation. Parental responsibility legislation has the detrimental effect of criminalising women, it is argued, and "truancy"

laws fail to perform the functions they strive to address which have negative consequences for society and socially disadvantaged single mothers (Donoghue, 2011).

**USA.** There is an increasing number of criminal proceedings against parents for the school non-attendance of their children (American Bar Association, 2012). For example in Baltimore City more than 400 parents, were charged with violating the provisions of compulsory school attendance legislation in 2011. There has also been an increase in the number of parents being sent to jail in recent years in that city. A total of three parents received a custodial sentence during 2009-2010, yet 12 parents were sent to jail in 2011 alone (American Bar Association 2012). Prosecuting parents for their children's school non-attendance conveys the seriousness of the issue at hand, but according to Green (2011), it is not a successful strategy when used on its own. This is due to the fact that punitive measures are not effective in reducing "truancy" as they often fail to address the root cause behind a student's decision not to attend school. In Louisville, Kentucky, 218 "truancy" cases were brought before the Family Court in 1993. Only 2.4% of the children involved in these cases were still in school, three years later. These numbers reveal that the courts had little effect on "truancy" levels and Judge Joan Byer, a family court judge, expressed concern that statistically, taking a parent to court over "truancy" had little or no effect (American Bar Association, 2012, p1).

While the review presented above outlines how other jurisdictions are addressing the issue of school non-attendance and the prosecution of parents, it is clear that there is

little uniformity in the manner of the response to the issue. The review accounts for a range of measures that are used to combat school non-attendance internationally. These ranged from truancy prevention programmes at one level to the more extreme examples such as the withdrawal of social welfare to imprisonment. The review reveals the introduction of tougher measures in some jurisdictions are on the increase. However, it appears that there is very little evidence to support the claim that such approaches improves school attendance sufficiently to warrant such action. Notwithstanding this, a range of “truancy” prevention programmes have been developed giving parents an opportunity to resolve the issue before imposing any penalty. In the UK, court sanctions such as PRMs (parenting contracts, parenting orders, fixed penalty notices) are issued to parents in the hope of improving their child’s school attendance. To date there is no research on the process of prosecuting parents for the school non-attendance of their children from an Irish perspective and this thesis is the first step in that process.

### **3.7 Conclusion**

This chapter summarised and outlined the relevant literature in relation to the factors associated with school absenteeism and the practice of prosecuting parents for the school non-attendance of their children. School absenteeism and "truancy" can be difficult to define as there are many different definitions in use throughout the literature. Reid (1985) provided a useful approach to identifying different categories of "truancy" which include (1) the traditional/typical truant; (2) the psychological truant; (3) the

institutional truant and (4) the generic truant. The chapter continued the discussion by presenting the causes of "truancy" and school absenteeism under four different factors which included the student, family, school and system factors, which were examined in detail. The chapter concluded by outlining the different approaches used internationally on the practice of prosecuting parents for the school non-attendance of their children. The approaches discussed included "truancy" prevention programmes, parental responsibility measures, financial penalties and parental prosecution.

## **CHAPTER FOUR: STUDY DESIGN AND METHODOLOGY**

### **4.1 Introduction**

This thesis examines the prosecution of parents for the school non-attendance of their children in Ireland. It explores trends and patterns in relation to prosecutions made under the Education (Welfare) Act 2000, between 2006 and 2013. It also examines the perceptions of educational professionals and parent representatives in relation to the prosecution of parents for the school non-attendance of their children. This chapter begins by presenting the design and methodology applied to the research and includes a rationale for the approach adopted. For the purpose of the research, I decided that a mixed methods design was the best approach in answering the research question and as a result a sequential explanatory mixed methods design was applied. The chapter continues by outlining phase 1 of the research which involved collecting and analysing Quantitative data from a number of datasets, which included the School Attendance Notice and Summons Database's along with a School Attendance Template. Following this, phase 2 of the research is presented which introduced a Qualitative strand into the investigation. To further expand knowledge and understanding regarding the practice of prosecuting parents for the school non-attendance of their children, I decided that focus group interviews were the best approach to complement the Quantitative strand of the research. This section continues with an outline of the pilot study conducted, the protocol for participant selection, access to the research site, background information on the participants and finally an outline of the thematic analysis adopted regarding the Qualitative aspect of the research. Subsequently the chapter continues by exploring the topic of insider research while also examining a number of contextual factors that can impact on conducting focus groups. A number of ethical considerations are then

examined and the final section of the chapter outlines some of the limitations of the study.

#### **4.2 Research Design – A Mixed Methods Approach**

Multi-strategy research is a term that is used to describe research that integrates Quantitative and Qualitative research (Bryman & Teevan, 2005 p321). In the 1980s and 1990s a debate arose as to whether Quantitative and Qualitative research could be combined as some held the view that each approach drew from different philosophical assumptions. Since then, the discussion has turned to viewing mixed methods research as a separate and distinct design (Creswell, 2012). Mixed method research requires the combination of both ‘*Quantitative*’ and ‘*Qualitative*’ approaches with the objective of creating a more accurate and adequate understanding of social phenomena rather than a reliance on either Quantitative or Qualitative methods alone (Biesta, 2013 p147). Creswell and Plano Clark (2011) define mixed methods research design as “*a procedure for collecting, analysing, and mixing both Quantitative and Qualitative methods in a single study or a series of studies to understand a research problem*” (cited in Creswell, 2012 p535). For the purpose of this research a mixed methods design strategy was used as the best way of answering the research question. In order to determine the type of mixed method design the researcher needs to consider issues in relation to the collection, sequence, analysis and presentation of data. From this the researcher can then identify one of four mixed methods (the triangulation, embedded, explanatory and exploratory) that will best suit the research study (Creswell, 2008 & 2012; Byrne & Smyth, 2010).

### 4.3 Sequential Explanatory Research Design

In order to determine the type of mixed method design, it is important to consider a number of factors that influence how a study is conducted. Primary consideration should be given to the relationship between phases, implementation sequence, timing and method of mixing the strands. In most cases the sequential explanatory design occurs in two distinct phases (Creswell, 2012). Consequently, this study applied a sequential explanatory mixed methods design. Initially, Quantitative data was collected and analysed providing a general insight into the research problem. The information gathered at this stage informed the next phase of the research. Following this, Qualitative data was collected and analysed to further understand the practice of prosecuting parents for the school non-attendance of their children. This design framework suited the investigation in this study for a number of reasons. The decision to implement the Quantitative phase first emerged as no empirical research existed from an Irish context on the practice of prosecuting parents for the school non-attendance of their children. The need to expand on the initial findings provided the rationale for following up with a Qualitative phase with a desire to investigate and further develop knowledge and understanding within this area.

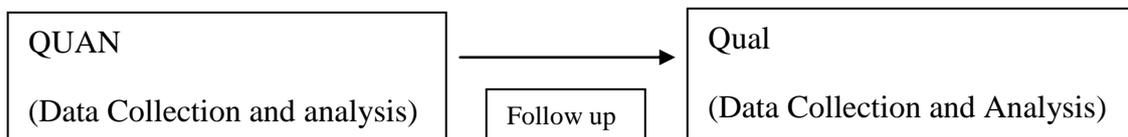


Figure 4.1 two-phased sequential mixed method design

Furthermore, under the Education (Welfare) Act 2000, prosecutions for school non-attendance were first initiated in 2006 and continue to be a feature year after year. Prior to developing the research strategy, I organised a meeting with the management team of the EWS and invited them to outline their thoughts and ideas in relation to the practice of prosecuting parents for the school non-attendance of their children (Appendix C) which formed the basis and direction of the research design. In designing the research, one of my priorities was to ensure that this inquiry was disciplined and conducted in a systematic way to establish the validity of the findings and demonstrate a contribution to knowledge within this area. While developing this research, I was cognisant of placing an undue burden on individuals that were prosecuted for the school non-attendance of their children, as I believe that the experience of the prosecution process can be an extremely personal and private matter for those involved. This required the exploration of other possible data sources. A request was made to the EWS to gain access to data on all legal prosecutions for school non-attendance, which determined the methods used in phase 1. The findings from this phase were then used to inform phase 2 of the research.

#### **4.4 Phase 1: Quantitative Methodology**

The first phase of the research involved designing and implementing a Quantitative strand, including the collection and analysis of data. The rationale for applying Quantitative methods to this study coincides with the relevance of what Hammersley (2000 & 2003) calls, “practical research”, the aim of which is to provide knowledge that is informative and will be of immediate practical use. The collection of factual data through Quantitative methods applies this practical approach and sets the

scene for further investigation. The Quantitative methodology involved two stages. The first stage involved collating and analysing a number of databases held by the EWS on all school attendance legal cases. Each month the EWS collects statistical information (Appendix D) on all cases where a SAN or summons is issued to a parent. This material is then recorded in one or other of two databases: the SAN database and the Summons database for the purpose of tracking and monitoring all legal activity on school non-attendance cases throughout the country. A computerised copy of both databases was made available for the purpose of the research. For security reasons the databases were stored on the EWS internal computer server on a shared management file and only accessible through this portal. Each of the databases was recorded on a yearly basis and held separately.

I was interested in including new variables to complement the information held on the SAN and summons databases. These variables included the DEIS status, the breakdown of school level and the gender of children and parents. Firstly, I collected the roll number for every school recorded in the databases. In some instances I had to check the roll number and school name with individual EWOs as the name of the school on the databases did not correspond to the names of the schools on the DES school list. This enabled me to establish what DEIS status the school was and also allowed for the breakdown of school level. The gender of the child and the gender of the parent were also cross checked with individual EWOs to ensure that the information was correct and accurate. For the purpose of the analysis the SAN and Summons databases were merged together into one database which was then inputted and analysed using SPSS. The second stage involved developing a template (The School Attendance Template) to

collect and record, the yearly attendance rates of individual cases summonsed to court by the EWS in 2011.

#### **4.4.1 The School Attendance Notice Database**

The SAN database is primarily an excel spreadsheet which is held centrally on the EWS computer system. This database is updated monthly by SEWOs, RMs or Regional Staff Officers (RSO). Once a SAN has been issued to a parent, the EWO or SEWO forwards the information by email to the RSO who then inputs the data into the central database. The database records particular information on the issuing of SANs throughout the country. Data has been collected from 2005 to the present time. For the purpose of this research the analysis covers the period from 2006 to 2013.

#### **4.4.2 The Summons Database**

The summons database is also an excel spreadsheet which is held and updated exactly like the SAN database. It records information on the issuing of summonses and the outcome of legal proceedings for each case throughout the country. Data has been collected from 2006 to the present time. For the purpose of this research the analysis covers the period from 2007 to 2013.

#### **4.4.3 The School Attendance Template**

One of the objectives of this research is to examine the impact legal proceedings may have on school attendance. It may be extremely difficult to make a direct link between the prosecution of parents and overall student attendance rates due to external factors that may have had an impact on the child's attendance which cannot be measured.

Nevertheless, an analysis was conducted to investigate the impact legal proceedings may have on individual cases. For the purpose of this research I designed and developed a template in order to record the attendance details of all cases where a summons was issued by the EWS in 2011. The template was sent by email to the EWO concerned, who was asked to provide the yearly non-attendance details for a period of three academic years which was to include the school non-attendance for the year prior to the case being brought to court, the year the case was in court and the subsequent year (Appendix E).

#### **4.4.4 Quantitative Research Sample**

For the purpose of this research, the Quantitative analysis included all cases issued with either a SAN or a summons, by the EWS. Consequently the issue of sampling is not a concern as all cases are represented in the analysis. For the period of analysis the EWS issued a total of 2,990 SANs and initiated 766 court proceedings for school non-attendance. In a number of cases, data was missing either in part or completely. These cases were eliminated from the analysis, resulting in the analysis of exactly 2944 SAN's and 722 summonses.

### **4.5 Phase 2: Qualitative Methodology**

In order to further develop an understanding of the research topic and to provide an in-depth exploration regarding the practice of prosecuting parents for the school non-attendance of their children, four focus groups were conducted in different sites across the country. Focus group interviews are methods that are often used to denote an organised discussion with a selected group of individuals in order to explore collective

views on a research topic (Gibbs, 2013). Following the Quantitative analysis, I created a number of questions relating to the research topic. These questions were further developed in a meeting with a EWO and SEWO. A pilot focus group was conducted to ‘test out’ the research questions and the discussion was transcribed, word for word, in advance of the first focus group taking place. Following this four focus groups were conducted in different locations across the country using a list of questions (Appendix F). Each focus group discussion was transcribed verbatim, representing an accurate reflection of the participants’ thoughts and ideas.

#### **4.5.1 Pilot Study**

Once I made the decision to conduct focus groups with 24 participants from across the country, a pilot focus group took place and was an essential step in planning and maximising the benefit of phase 2 of the study. The primary aim of conducting the pilot focus group was to ensure that there were no variances in the participants’ understanding of the research topic and to ensure that the questions were clear, concise and user-friendly, in order to stimulate a response and to obtain relevant information. It was important that the participants selected for the pilot focus group would have similar professional backgrounds as those that would be taking part in the focus groups. The pilot focus group consisted of a primary school principal, HSCL coordinator, SCP coordinator and a EWO that were known to the author in a professional capacity.

The pilot focus group was conducted as though it were a real case scenario and took approximately one hour and ten minutes; it was tape recorded and supplemented by field notes. Directly following this, I had a conversation with the participants regarding

the questions and the procedure. The pilot focus group discussion was then transcribed and led to the amendment of the initial set of questions and provided a clearer focus for the inquiry. Much learning was derived from repetitive listening, transcription and reviewing the pilot focus group recording and notes. During this exercise, I came to see the value of having a moderator assist in conducting the focus groups. However, it was not possible to organise this due to limited financial resources and the spread of locations of the focus groups. Having completed an initial data analysis of phase 1 and concluded the pilot focus group, the principles required in selecting the subsequent focus groups became clear, which began with the identification of key personnel.

#### **4.5.2 Protocols for Participant Selection**

All of those selected as participants had some level of experience, in a professional capacity, regarding the practice of prosecuting parents for the school non-attendance of their children, for example. For this stage of the research, I believed it was an important aspect to gather additional views and thoughts in relation to the practice of prosecuting parents for the school non-attendance of their children and one that could add knowledge to this area. As phase 1 of this study represented a national overview regarding the practice of prosecuting parents for the school non-attendance of their children, I felt that it was important to ensure that the focus group participants were selected from a wide variety of settings, experiences and locations throughout the country. It was important that the selected participants were knowledgeable and experienced within the research area as I was seeking as rich and varied a response as possible (Rubin & Rubin, 2004). The group dynamics can change considerably if the

group members are known to each other and should be reported when using this technique (Reed & Roskell, 1997). Due to the nature of the inquiry and the locations selected, some of the group participants were known to each other in a professional capacity.

#### **4.5.3 Qualitative Research Sample**

The general purpose of Qualitative inquiry is to develop an in-depth exploration of the research topic and is not intended as a method of generalisation. A purposeful sampling strategy known as '*maximal variation sampling*', was used for the purpose of this phase of the research (Creswell, 2012 p 207). It was extremely important to ensure that the participants had different characteristics, such as gender, professional background, work locations and school level. In the first instance, I made contact with a number of SEWOs to establish if they could nominate prospective participants from a variety of settings who had professional experience regarding the practice of prosecuting parents for the school non-attendance of their children and who would be potentially interested in participating in such a focus group. I viewed this approach as a method that would assist in ensuring a wide mix of potential participants for the focus group. Obtaining a variety of perspectives through the involvement of a number of professionals from different settings, experiences, and locations added depth to the investigation and reduced the level of bias in the study.

The focus group participants were made up of a variety of professionals that had qualified experience regarding the practice of prosecuting parents for the school non-attendance of their children (Appendix G). Three of the focus groups consisted of a

mixture of educational professionals such as EWOs, SEWOs, regional managers, primary school principals, post-primary school principals and SCP coordinators, each with distinct roles and responsibilities in the area of school non-attendance<sup>20</sup>. The participants also worked in different educational settings and services across the country. They worked in rural, urban and city areas both in primary and post-primary schools and schools with different DEIS categories. The fourth focus group consisted of professionals that support parents and children in a variety of ways from a range of different agencies such as youth work, family support, community development and mental health<sup>21</sup>. The intention behind providing the employment particulars of the participants is that this information will add to the contextual detail and strengthen the rationale behind the sample selection (Vicsek, 2010). In total 24 participants took part in all four focus groups. To protect the anonymity of the participants, acronyms were applied which include the relevant abbreviations of the titles of all the focus group participants and a number identifier. Table 4.1 below outlines the abbreviations and number identifier used for each participant.

#### **Focus Group Participant Identifier**

<b>Participant</b>	<b>Abbreviation</b>	<b>Focus Group</b>
Educational Welfare Officer	EWO-1	Focus group 1
Primary Principal	PP-1	Focus Group 1
Regional Manager	RM-1	Focus Group 1
School Completion Coordinator	SCC-1	Focus Group 1
School Completion Coordinator	SCC-2	Focus Group 1

<sup>20</sup> A Youth and Community worker was included in focus group 3

<sup>21</sup> A Home School Community Liaison Coordinator was included focus group 4

Senior Educational Welfare Officer	SEWO-1	Focus Group 2
Educational Welfare Officer	EWO-2	Focus Group 2
Educational Welfare Officer	EWO-3	Focus Group 2
School Completion Coordinator	SCC-3	Focus Group 2
Post Primary Principal	PPP-1	Focus Group 2
School Completion Coordinator	SCC-4	Focus Group 2
Senior Educational Welfare Officer	SEWO -2	Focus Group 3
Educational Welfare Officer	EWO -4	Focus Group 3
Post Primary Principal	PPP-2	Focus Group 3
Post Primary Principal	PPP-3	Focus Group 3
Youth and Community Worker	YCW-1	Focus Group 3
Women's Community Development Manager	CWCDM-1	Focus Group 4
Children and Family Centre Manager	CFCM - 1	Focus Group 4
Traveller Youth and Community Worker	TYCW - 1	Focus Group 4
Traveller Youth and Community Worker	TYCW - 2	Focus Group 4
Clinical Coordinator Mental Health	CCMH - 1	Focus Group 4
Roma Community Development Worker	RCDW - 1	Focus Group 4
Home School Community Liaison Coordinator	HSCLC - 1	Focus Group 4
Family Support Coordinator	FSC - 1	Focus Group 4

Table 4.1

#### 4.5.4 Method

An invitation to participate (Appendix H) in the study was then sent to the SEWOs to forward to the prospective participants outlining the purpose and rationale of the research. For those participants that expressed an interest in taking part in the study a confirmation letter (Appendix I) was sent to them. Before each focus group met all participants were asked to sign a consent form (Appendix J) which included an explanation of the study, assurances of confidentiality, anonymity and non-traceability. The participants were also informed that the focus group discussion would be tape-recorded and that the final thesis would be made available to them. An opt-out clause was also included in the consent form which invited the participants to only take part if they were happy to do so while also outlining that they could opt out at any time. All those that expressed an interest in participating were willing to take part in the focus groups. The focus groups were pre-arranged and were conducted in the participants' localities. The average length of the focus groups was just over one hour. At the beginning of each focus group I discussed the purpose, rationale, confidentiality and the process the focus group would follow. I also sought verbal permission to record the discussion. Each focus group was tape-recorded using a small, unobtrusive recorder and additional written notes were taken to augment the transcription.

#### **4.5.5 Thematic Analysis of Qualitative Data**

Once the four focus groups were conducted, I had the raw data in the form of audio recordings and field notes. I listened to each of the tape recordings, on a number of occasions, to immerse myself in the data and to get a sense of the context and nuances contained within. Each of the focus group discussions were then transcribed separately,

word for word. One of the most frequent approaches to Qualitative data analysis is undertaking a search for themes in the transcripts (Bryman, 2004). Themes are described in many different ways by researchers including coding units (Lincoln & Guba, 1985) and coding (Creswell, 2012). Once all the focus groups discussions were transcribed and listened to the text was printed off in hard copy. Following this I copied and pasted the transcripts under each question heading combining all relevant data from each of the focus groups. The data was coded, under each of the question headings and categories were identified. Following this a number of themes and subthemes were developed and redefined. In order to capture the development of the themes and subthemes I developed a Microsoft Excel spreadsheet (Appendix K).

#### **4.6 Insider Researcher**

“Insider research” is a term used when researchers conduct research with populations or communities of which they are also members (Kanuha, 2000). The term “outsider research” refers to a researcher with no personal knowledge of the group being researched prior to their entry into the group (Griffith, 1998). As the researcher plays a direct and intimate role in both data collection and analysis, the issue of researcher membership is relevant to all approaches of Qualitative methodology. Whether the researcher is an insider, sharing certain characteristics, experiences or roles with the participants or whether the researcher is an outsider to the commonality of those participating in the research, it is an essential and ever-present aspect of the investigation that requires careful consideration (Corbin Dwyer & Buckle, 2009). It is suggested by Mercer (2007) that the insider/outsider dichotomy is a continuum with multiple

dimensions, and that researchers constantly move back and forth along a number of axes. Some features of the researcher's identity such as gender and ethnicity are innate and unchanging while other features such as age is evolving. Other dimensions include the time and place of the research, the power relationships within which the researcher and researched co-exist, the personalities of the researcher and participants and even the topic under discussion (Mercer, 2007).

“External” and “internal” ethical engagement is a term used when discussing the ethical and moral dilemmas confronting insider researchers (Floyd & Arthur, 2012). “External ethical engagement” refers to the traditional ethical issues that researchers attend to such as informed consent and taking measures to ensure anonymity and confidentiality, issues which are discussed in detail later on. “Internal ethical engagement” relates to ethical dilemmas that insider researchers have to attend to such as insider knowledge, on-going relationships with participants, conflicting professional and researcher roles and anonymity (Floyd & Arthur, 2012). Insider researchers must live with the consequences of their projects long after the research has been concluded (Drake, 2010). For example, insider researchers may be trusted with personal information which can become problematic as they continue to work in the organisation after the research has finished. Whereas in most research projects the nature of an outsider's involvement means that once the research has been completed, ethical concerns fade naturally which is not the case for insider research. Insider researchers should consider to what extent they should use their inside knowledge to question an interviewee's account; and internal ethical engagement would suggest that challenges to facts are acceptable but drawing attention to possible face-saving situations should be

avoided due to potential harm to the participants (Floyd & Arthur, 2012). In the focus group interviews I made a conscious effort to avoid making any comments regarding individual responses except where clarification was needed in relation to the questions being asked.

The most critical aspect of the insider researcher role is the need to create distance from the project or the participants being researched (Kanuha, 2000). This issue was never far from my mind during all aspects of the methodological process and was one of the reasons I decided to conduct the focus groups in different locations across the country while also including participants from different professional backgrounds. Another strategy for maintaining distance between the researcher and the participants is to adopt a standard approach to the interview (Hanson, 2013). In order to create distance between myself and the participants I adopted a formal approach using a list of questions to direct each of the focus group interviews in a similar fashion.

Institutional anonymity can be an issue that is problematic for insider research and it is suggested by Floyd & Arthur (2012) that internal ethical engagement should require researchers to work on the assumption that the site of their study cannot be anonymous and the insider researcher's efforts should be focused on ensuring that participants are not identifiable. It has been made clear in my research that the location of the study is in the organisation that I work for, the EWS. I have also ensured that the participants in the study have remained anonymous and used a unique identifier for each of the participants.

Access to the research site can be more easily granted to an insider researcher (Mercer, 2007). Insider researchers can also have a better understanding of the social setting they are researching which can make it easier to gain access to research participants and to achieve deeper levels of trust; however it may also lead to assertions of bias and problems with the interview process (Hanson, 2013). I acknowledge that working in the EWS may have made it easier to gain access to the databases and potential participants but I believe that the sampling strategy allowed me to recruit several participants that were unknown to me, reducing the potential for bias. According to Mercer (2007) it is less clear whether the insider or outsider researcher is more prone to informant bias. Informant bias can influence the participant's decision to share only certain information with the researcher. For example, participants may respond to questions based on their beliefs of who they think the researcher is or what they think the researcher is looking for. In an attempt to try and limit this influence I made a conscious effort not to communicate my views and opinions on the research topic whether in the interview process or when colleagues enquired about the research.

#### **4.7 Contextual Factors Impacting on Focus Groups**

When conducting focus groups, there are a number of contextual factors that should be taken into account. These factors can influence the running and management of the focus group which in turn can impact on the overall outcomes. According to Vicsek (2010), the consideration of contextual factors in research, can lead to more revealing and informative conclusions if it is factored into the analysis that the data is embedded in the situation and not independent from it.

#### **4.7.1 Participants Known to Each Other**

Some of the participants in the individual focus groups were known to each other from working in the local areas while others were not. Approximately eight out of 24 focus group participants were known in a professional capacity to the researcher due to being employed in the EWS. I was mindful that this could lead to some of the participants not expressing their views openly. Therefore at the beginning of the focus group it was made clear that any views expressed would remain anonymous and confidential and would only be used for the purpose of the research.

#### **4.7.2 Selection of Participants**

In selecting the participants, I thought that requesting the assistance of the SEWOs could be an advantage when it came to engaging prospective participants from a wide variety of backgrounds and from different locations throughout the country. The overall objective of conducting the focus groups was to further develop and enhance knowledge and understanding regarding the practice of prosecuting parents for the school non-attendance of their children. I considered that this sampling strategy was suitable and appropriate to the research topic. The findings are not intended to be used to make overall generalisations but to assist in developing knowledge and understanding of the research topic from an Irish perspective, something that has not been attempted until now.

#### **4.7.3 Experience of the Researcher**

I have a number of years of experience in facilitating and chairing meetings in a professional capacity and believe that this was helpful in organising the focus groups. Nevertheless, I also recognise that conducting focus group interviews is a particular process requiring certain skills which can only be gained through experience. There were a number of specific questions for the purpose of guiding the discussion in the focus groups and in general all of the questions were touched upon with slight variations between the focus groups, due to the direction of the individual discussions.

#### **4.7.4 The Need for a Moderator**

While conducting the pilot focus group, I realised that an additional moderator would have been beneficial in assisting with the focus groups. However this was not possible due to distance and finances. Initially this caused some level of anxiety and I recognised that not having a moderator may have led to some of the participants' non-verbal cues not being picked up upon. Throughout the focus group, I made a conscious effort to make observations and I also kept field notes to cross-reference when transcribing the discussions.

#### **4.7.5 Atmosphere**

The atmosphere in all of the focus groups appeared relaxed, open and respectful. One of the participants joined the focus group approximately 15 minutes late. In my opinion this did not adversely affect the group dynamics but it did take a period of time for the participant to settle into the discussion. In general, all of the participants

contributed and expressed their thoughts and ideas and I made a concerted effort to try and include all the participants in the discussion. However, on reflection and having completed the analysis, I can see that one of the male participants was far less vocal than the rest of the members in one of the focus groups. In the other three focus groups the response rate of the participants was more balanced although there were still some disparities between how vocal different participants were.

#### **4.7.6 Timing and Venue**

To ensure that the maximum number of participants would attend, three out of the four focus groups were held at lunch time. I believe that this had a positive impact as only one participant did not show up to one of the focus groups. Three of the focus groups were conducted within the same week. A positive element was that I was immersed in the data over a short period of time and became much more comfortable conducting the focus groups. However, it was not possible to transcribe the contributions of all of the focus groups within this timeframe. Three of the focus groups were held in local EWS offices and one was held in a hotel. In my opinion, this did not seem to affect the focus group in anyway and all of the participants presented relaxed.

#### **4.7.7 Gender Balance and Size of Focus Group**

In all of the focus groups there was a gender balance. In one focus group there were three females and two males (Focus Group 1), in the next focus group there were five females and one male (Focus Group 2), in the third focus group there were two

females and three males (Focus Group 3) and in the fourth focus group there were seven females and one male (Focus Group 4). Each of the focus groups was manageable in size and ranged from five to eight participants.

#### **4.8 Ethical Considerations**

Ethics is concerned with principled sensitivity towards the rights of others. The research community, especially that of the human sciences, has a responsibility not only to maintain high standards in the search for knowledge and the pursuit of objective truth, but also to protect the subjects that participate in their research. Researchers have to behave in an ethical manner by always taking account of the effects their actions may have on the research participants, and acting in such ways as to preserve their rights and integrity (Bulmer, 2008). There are a number of principles that the researcher must adhere to in order to ensure that their research is ethically sound. The first principle is the need to strike a balance between the desire to investigate the different processes in modern society and the protection of the privacy of individuals or groups. Another principle is that of informed consent. This provides that the individuals that are invited to participate in the research are given all information concerning the nature, purpose and risks of the research. They should be given information on the arrangements for maintaining confidentiality and should be informed that they can choose or refuse to take part in the study. Other principles include concepts such as anonymity, pre-publication process and data access and ownership (Gibbs, 2013; Bulmer, 2008; Piper & Simons, 2011; Creswell, 2012).

In relation to the Quantitative data, I requested and received written permission from the EWS to analyse data collected by the organisation regarding the practice of prosecuting parents for the school non-attendance of their children. All information that was collated and analysed is presented anonymously so that no person is identifiable in the study. As another level of security the data was only accessible through the EWS computer programme. It is extremely important that every individual's identity is protected and people are prevented from identifying or deducing facts about individual respondents (Bulmer, 2008). I was also careful around reporting geographical variables in the study, which might lead to the identification of individuals or groups.

In relation to the Qualitative aspect of this research study, all participants invited to participate were given written information about the aims, purpose, confidentiality arrangements and data collection of the proposed research. Focus group interviews can present additional ethical dilemmas in relation to confidentiality and informed consent (Gibbs, 2013). A signed informed consent was collected from all participants prior to the start of the focus group interview. The participants were also notified and made aware that they could choose to withdraw from the focus group at any stage and that I was available to follow up on any concerns. All participants were issued with an individual code in order to protect their identity throughout the analysis and reporting of the findings.

#### **4.9 Limitations of the Study**

The prosecution of parents under Ireland's Education (Welfare) Act 2000 is entirely under-researched as it is a relatively new piece of legislation and prosecutions under this Act did not take place until 2006. Most troubling is the lack of empirical research on the impact or effectiveness of prosecuting parents for the school non-attendance of their children even though it is clear that there has been a steady increase in the use of legal measures to tackle this problem. This study aims to begin this much needed research within this area, but due to the necessarily limited scope of the research, the voice of the child and the parent will not be included in the analysis. The issue of prosecutions is an exceptionally sensitive subject matter for those who have experienced it. I had some reservations that my current status as an employee working in the EWS might be seen as a barrier by some parents, making them uncomfortable about discussing their experiences. However, it is clearly essential that the perspectives of children and their parents are included in research on school non-attendance at some point in the future if we are to continue to make progress in understanding this under-researched area. The research findings presented in this dissertation are merely a first step in developing a fully comprehensive understanding of the problem of school non-attendance. It is one that considers the perspectives that do not include those of the parents and children involved.

Due to the limited data collected by the EWS in relation to the SAN and Summons database, it was not possible for this study to include statistical analysis on a number of variables which would be of interest such as ethnicity, social status or children

with special educational needs. I was, however, able to include other variables such as gender<sup>22</sup>, school level and DEIS status with the information supplied. In relation to the use of focus groups, one of the limitations is that the method of asking questions is not standardised and therefore may vary according to the individual situation. It is also possible that the same person may say something different in a group made up of an alternative composition. Ultimately this could lead to different results and raises the issue of the limits of generalisability beyond a specific group situation (Vicsek, 2010). Another limitation of this study is that, in total, the focus groups consisted of 24 participants and therefore can be viewed as small in scale. This should be considered when making any conclusions. While everything was done to try and ensure that the focus groups consisted of as wide a variety of experiences and situations, it was not possible to include all professionals with an interest in this area, such as solicitors, teachers, social workers or policy makers. However, it is essential that these perspectives are included in further research at some point in the future if we are to continue to advance our understanding of this under-researched area.

#### **4.10 Conclusion**

This chapter described the research design and methodology applied to this study. A mixed method design was the best approach to adopt when answering the research question and as a result a sequential explanatory mixed methods design was used. The first phase of the research involved designing and implementing a Quantitative strand, which involved 2 stages. The first stage also involved analysing a number of databases

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<sup>22</sup> It was possible to establish the parents and children's gender by cross referencing SAN and Summons details with individual EWOs by telephone

held by the EWS on all school attendance legal cases. The second stage involved developing a School Attendance Template to collect and record the yearly attendance rates of individual cases summonsed to court by the EWS in 2011. The second phase of the research involved designing and implementing a Qualitative strand and I decided that focus groups would be the best approach in further developing our understanding of the research topic and providing an in-depth exploration regarding the practice of prosecuting parents for the school non-attendance of their children. Prior to the focus groups taking place a pilot focus group was conducted. The chapter presented an account of that pilot focus group before turning to outline the protocols adopted for the selection, access and background of the research participants. Following this, the issue of insider research was examined. A number of contextual factors impacting on the development and outcomes of the focus groups were then discussed. The chapter concluded by outlining and describing a number of ethical considerations and naming the limitations that are specific to this research study.

## **CHAPTER FIVE: PRESENTATION OF QUANTITATIVE FINDINGS**

### **5.1 Introduction**

This thesis examines the prosecution of parents for the school non-attendance of their children in Ireland. It explores trends and patterns in relation to prosecutions made under the Education (Welfare) Act 2000, between 2006 and 2013. It also examines the perceptions of educational professionals and parent representatives in relation to the prosecution of parents for the school non-attendance of their children. To date no research has been conducted on the prosecution of parents for the school non-attendance of their children, through the Irish Courts. This research is the first of its kind to investigate this topic and as such is confined to those cases where legal proceedings have been initiated by the EWS against a parent for “*failing or neglecting*” to send their child to school (Government of Ireland, 2000; 22). Each year the EWS collects data on all legal proceedings and prosecutions. For the purpose of this research the analysis covers the periods between 2006 and 2013. The data was analysed using the statistical programme SPSS. Following this, school attendance data was collected and analysed on school non-attendance cases prosecuted by the EWS in 2011.

### **5.2 Phase 1: Quantitative Findings**

For the purpose of this research the Quantitative findings are presented in two stages. The first stage involved collating and analysing a number of databases held by the EWS on all school attendance legal cases. Each month the EWS collects statistical information on all cases where a SAN or summons is issued to a parent. This material is then recorded in one or other of two databases: the SAN database and the Summons

database for the purpose of tracking and monitoring all legal activity on school non-attendance cases throughout the country. The information in each database is stored separately on a yearly basis. While conducting the analysis I made a decision to link both databases together. As a result of this exercise I discovered that 42 summonses had no corresponding SAN. For the purpose of the analysis it was decided to exclude this data. The second stage involved developing a template (The School Attendance Template) to collect and record the yearly attendance rates of individual cases summonsed to court by the EWS in 2011. Firstly, the findings from the SAN and Summons analysis are presented followed by the findings from the School Attendance Template.

### **5.3 The SAN and Summons Analysis**

The following section outlines the research findings from the data analysis conducted. The results are presented in a sequential arrangement beginning with the presentation of the SAN data followed by the Summons data.

#### **5.3.1 SAN: Number of SANs Issued**

The EWS issued a total of 2,990 SANs between 2006 and 2013. However, 42 SANs were not recorded on the database and an additional four cases had missing data so it was decided to remove these cases for the purpose of the analysis. This left a total of 2944 cases for analysis (N=2944). Percentages are to the nearest percentage point throughout.

### 5.3.2 SAN: Yearly Distribution

The first School Attendance Notices were issued by the EWS in 2006 and have continued to be issued year after year. The EWS issued a total of 6% in 2006, 8% in 2007, 11% in 2008 and 13% in 2009. Overall, 14% of SANs were issued in both 2010 and 2011 respectively. A further 16% were issued in 2012 and 18% in 2013. Figure 5.1 reveals the distribution of SAN's issued by the EWS between 2006 and 2013.

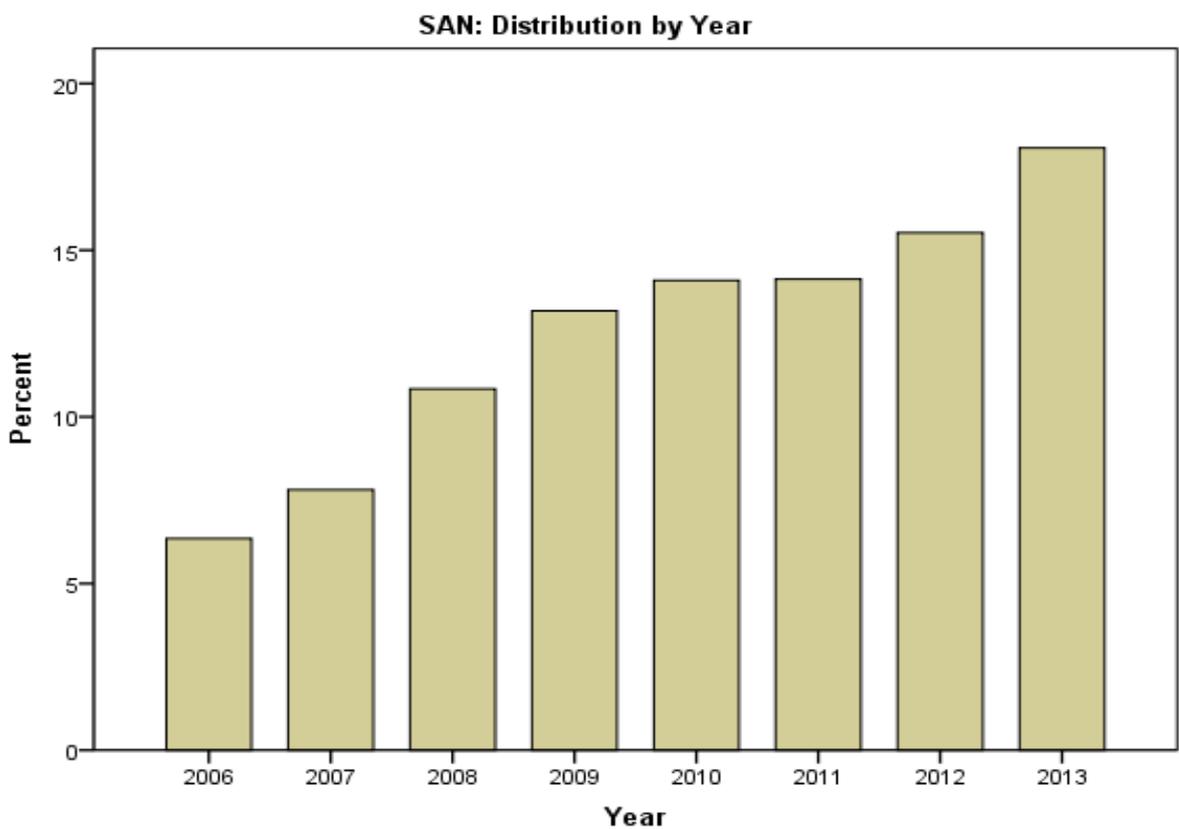


Figure 5.1

### 5.3.3 SAN: Age of Children

The analysis of the data reveals that between 2006 and 2013, 25% of all SANs issued by the EWS related to children that were 14 years of age. Within the same time

period, 62% of SANs were issued in respect of children aged between 6 and 13 years of age. However, when this is broken down the analysis reveals that 3% of SANs were issued in respect of 6 year olds, 4% in respect of both 7 and 8 year olds, 6% in respect of both 9 and 10 year olds, 8% in respect of 11 year olds, 12% in respect of 12 year olds and 19% in respect of 13 year olds. Furthermore the EWS issued 13% of SANs in relation to children aged between 15 and 16 years of age<sup>23</sup>. Figure 5.2 shows the distribution of SANs issued by the EWS between 2006 and 2013 in respect of the age of the child.

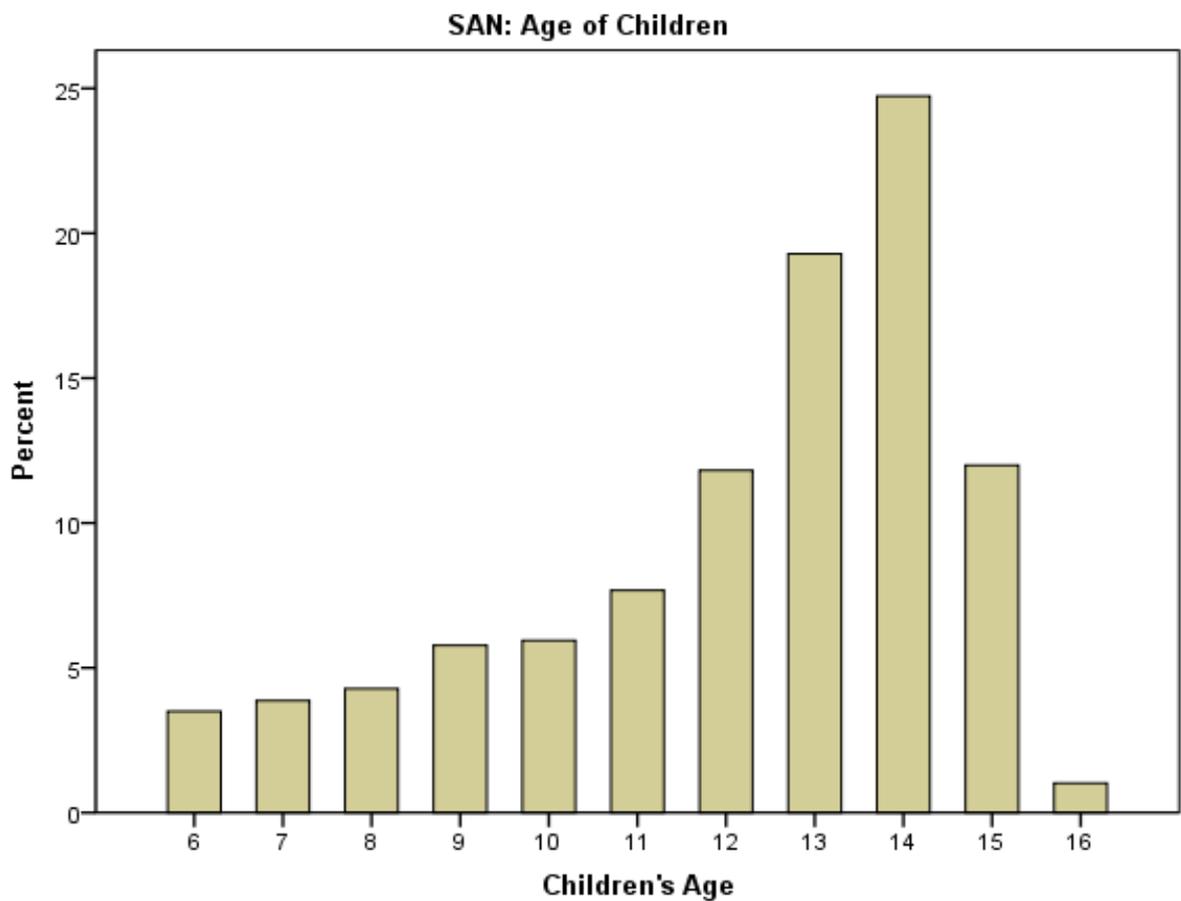


Figure 5.2

<sup>23</sup> The data reveals that the EWS issued 1 SAN in respect of a 5 year old, a 17 year old child and an 18 year old child. These figures are not presented in figure 5.2 due to the extremely low level.

### 5.3.4 SAN: Gender of Children

The findings from the analysis reveals that the EWS issued 53% of SANs in relation to boys and 47% in relation to girls. Figure 5.3 shows the distribution of SANs issued by the EWS between 2006 and 2013 in relation to the child's gender.

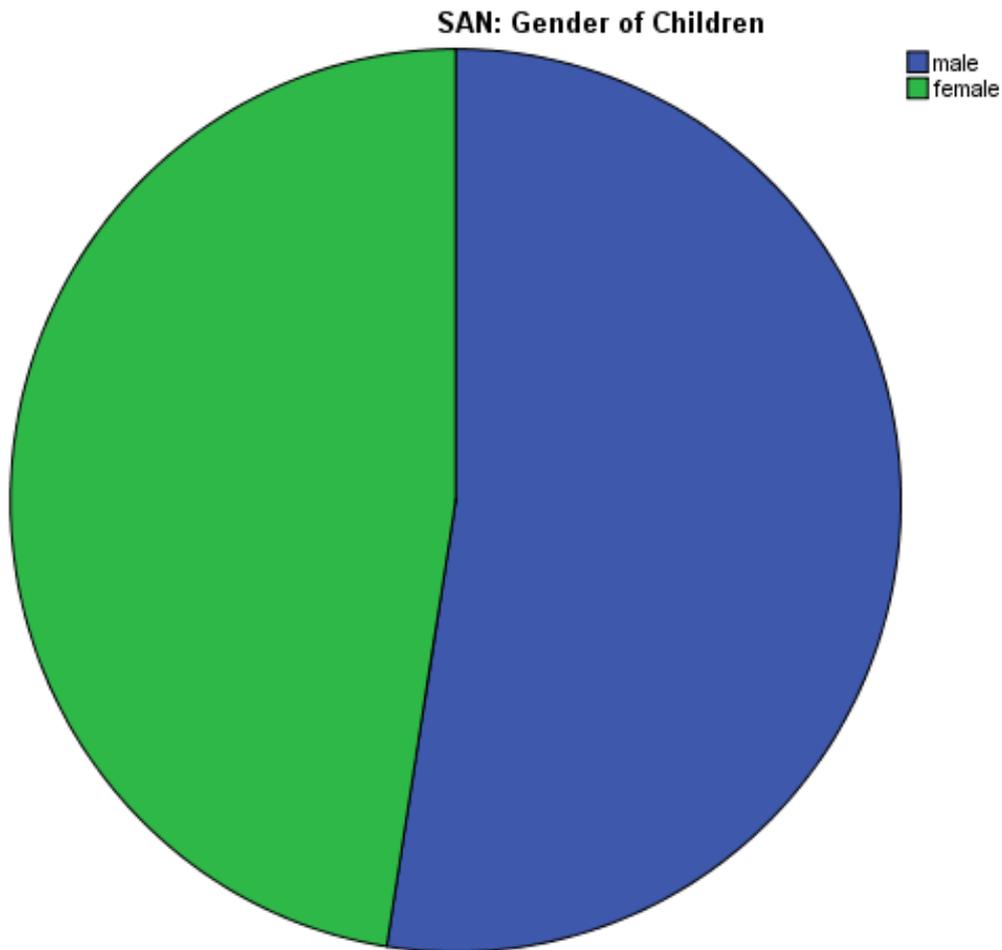


Figure 5.3

### 5.3.5 SAN: Parental Category

If the EWS is of the opinion that a parent is failing or neglecting to send their child to school they can issue a SAN to either one or both parents. Since 2006, 69% of

all SANs were issued to both parents<sup>24</sup>. A further 29% of SANs were issued to the mother and the remaining 2% to the father. The pie chart below presents the distribution of SANs issued by the EWS to all parents between 2006 and 2013.

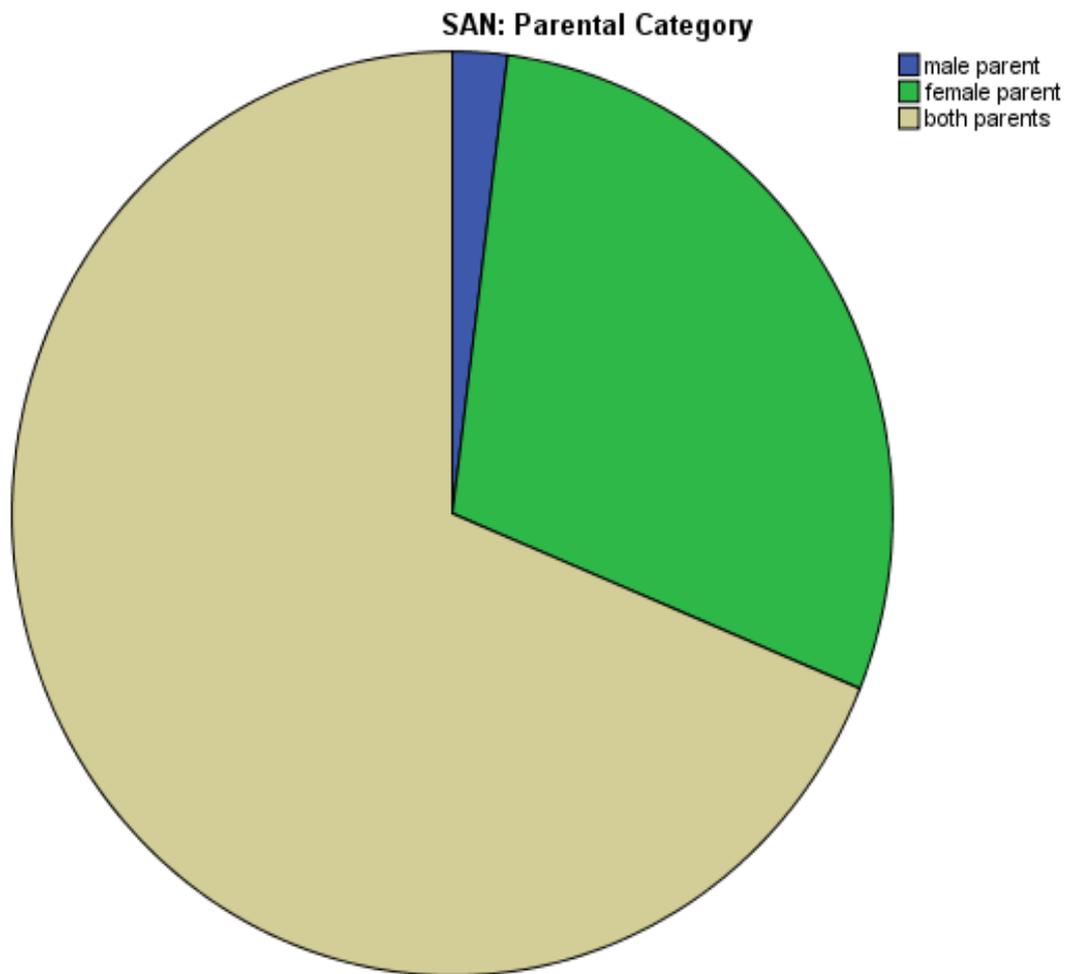


Figure 5.4

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<sup>24</sup> The use of the term parent is used to encompass both biological parent and persons that have guardianship rights as defined under the Guardianship of Infants Act 1964 who have been issued with a SAN

### 5.3.6 SAN: Gender of Parent

Between 2006 and 2013 a total of 63% of SANs were issued to mothers whereas 37% were issued to fathers. The graph below (figure 5.5) reveals the distribution of SANs that were issued by the EWS between 2006 and 2013 in relation to the parents gender.

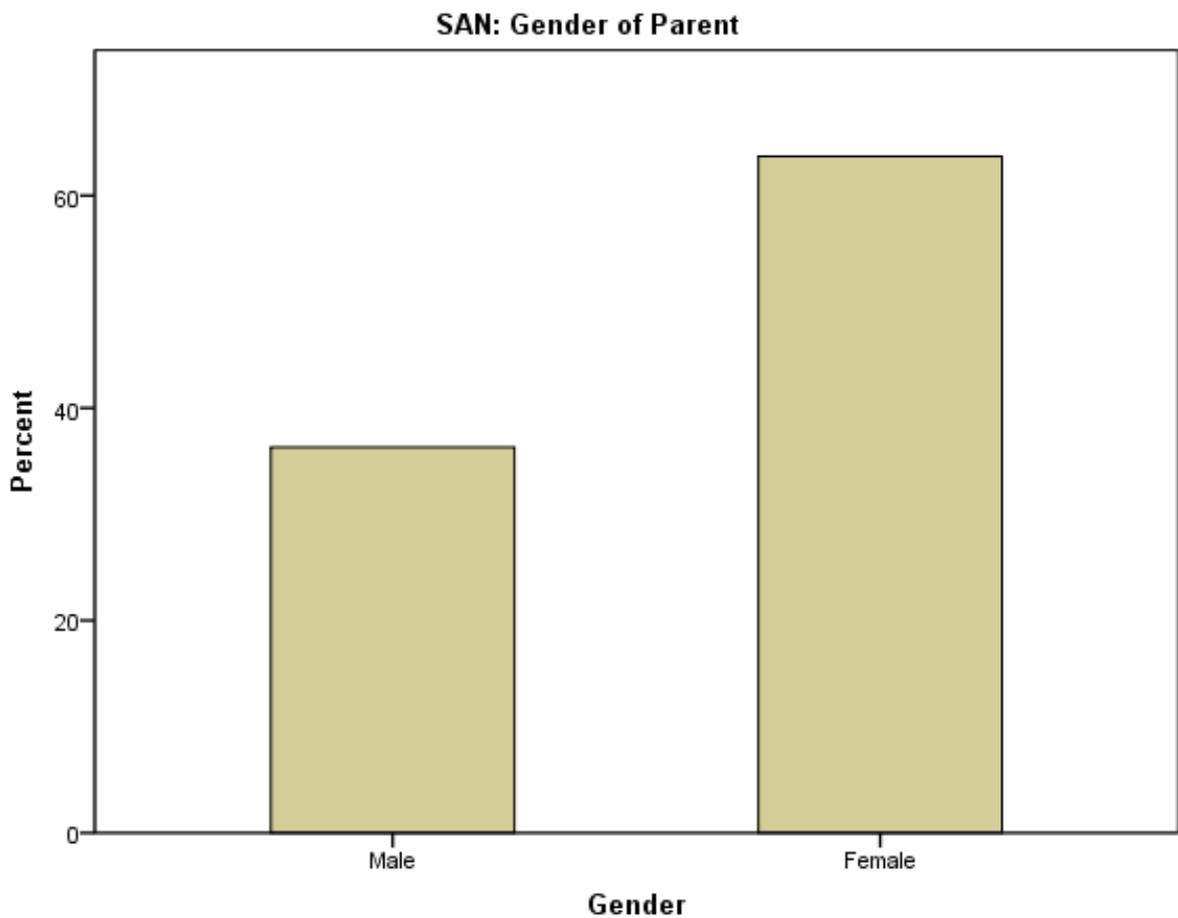


Figure 5.5

### 5.3.7 SAN: Regional Differences

For operational reasons, the EWS is split into geographical regions. Since the establishment of the service in 2003 the regions have undergone some level of change

(Appendix L)<sup>25</sup>. At the time of writing the thesis the country was split into 5 geographical regions. Figure 5.6 below presents a graph outlining the distribution of SANs across each region between 2006 and 2013. During this period, Dublin City and Leinster North regions<sup>26</sup> issued 11% of SANs respectively. The Munster region issued 29%, Leinster South 27%, and the West Northwest region 22%.

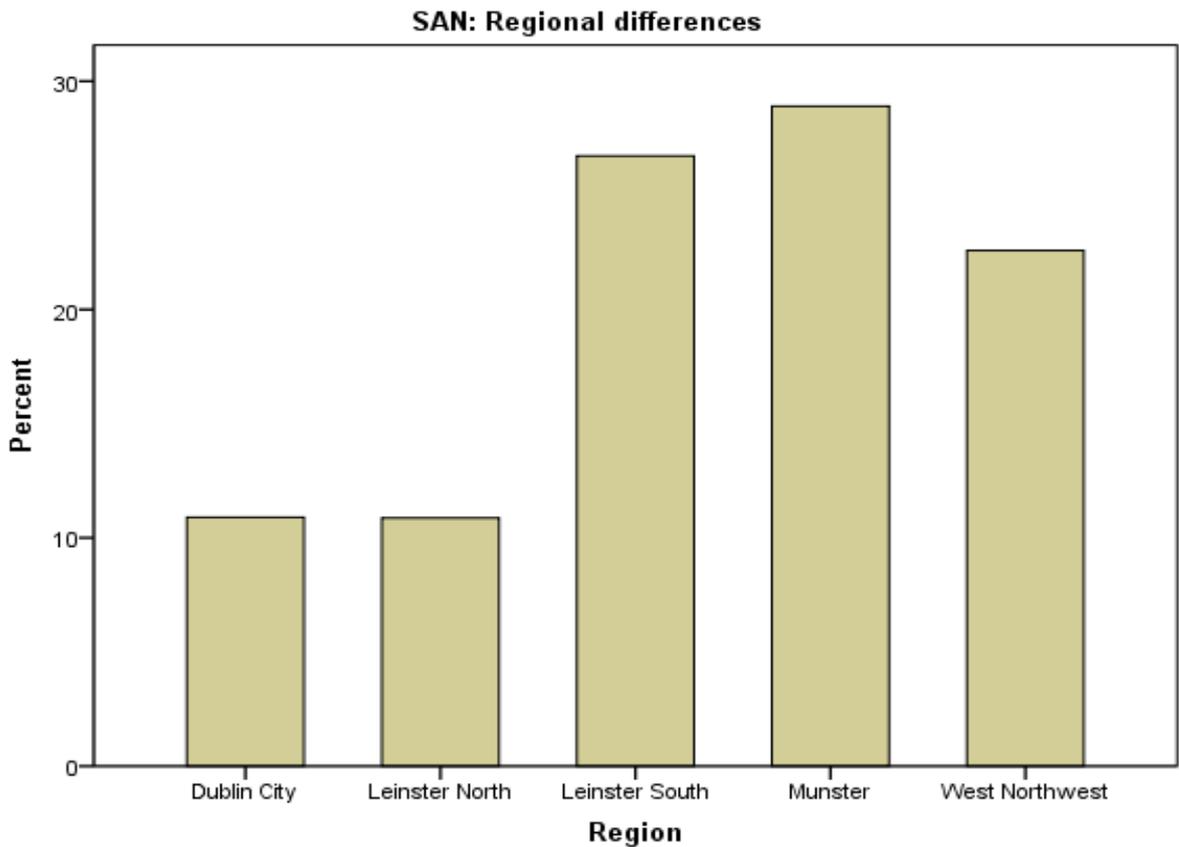


Figure 5.6

### 5.3.8 SAN: County by County

Since 2006, the EWS has issued SANs across all counties in the Republic of Ireland. Appendix M presents a breakdown of the amount issued county by county.

<sup>25</sup> In 2015 the EWS was divided into four regions

<sup>26</sup> The Dublin City region had no Regional Manager for a number of years throughout this period but remained as regional entity for the purpose of data collection.

### 5.3.9 SAN: School Level

Between 2006 and 2013, the EWS issued 40% of SANs in relation to children attending primary schools and 57% of SANs in relation to children attending post-primary schools. The remaining 3% of SANs were issued in relation to children attending special schools and non-recognised schools<sup>27</sup>. The graph below (figure 5.7) outlines the distribution of SANs issued by the EWS between 2006 and 2013 in respect of children attending primary or post-primary school<sup>28</sup>.

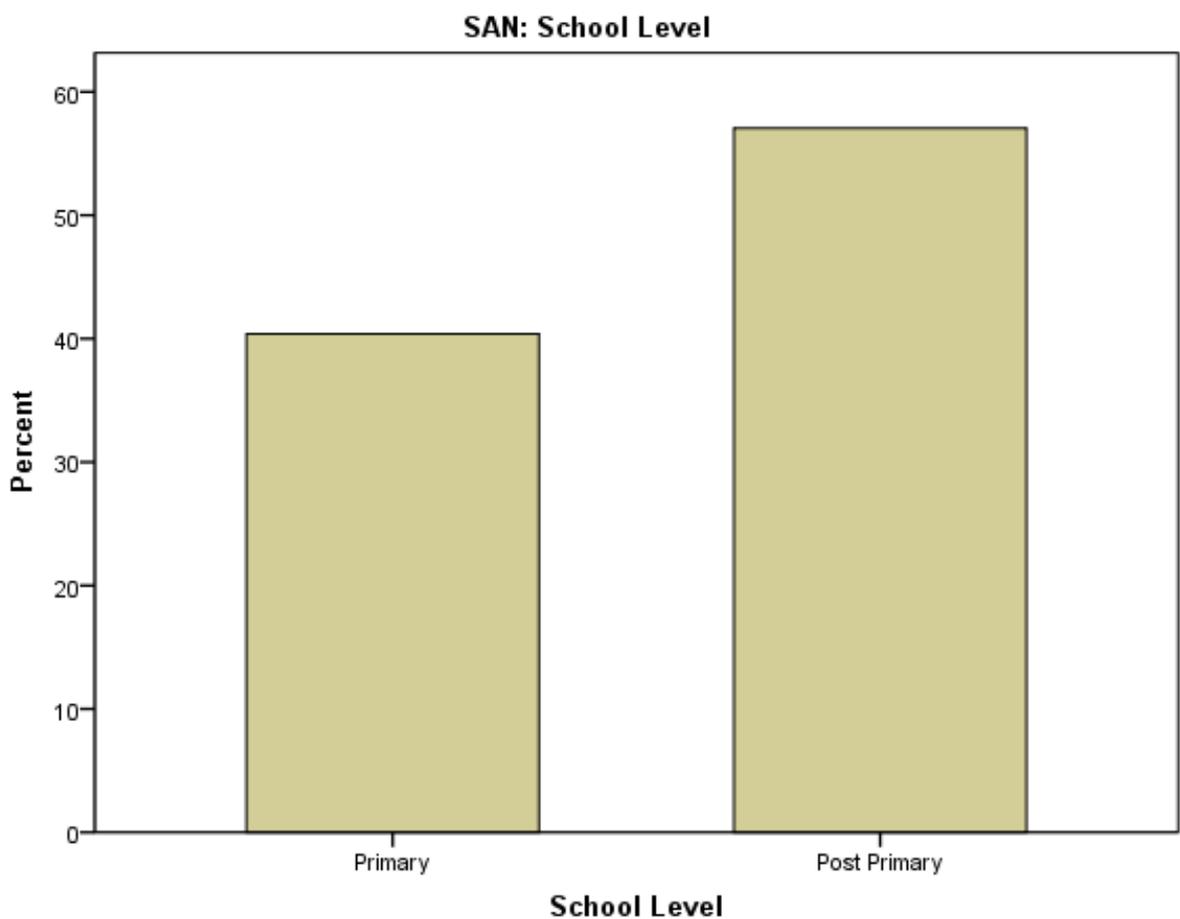


Figure 5.7

<sup>27</sup> Non-recognised schools are school that are not funded by the Department of Education and Skills

<sup>28</sup> I decided to remove the data for Special Education and Non-Recognised schools for presenting figure 5.7 as I was unable to establish what level (primary or post-primary) the Special Education category involved and the Non-Recognised Schools category relates to children that attended Alternative Education Centres

The Irish education system consists of different types of post-primary schools, which are made up of secondary, vocational<sup>29</sup>, community and comprehensive schools (DES, 2014)<sup>30</sup>. The table below outlines the distribution of SANs issued between 2006 and 2013 taking account of the different types of post-primary schools. In total the EWS issued just over 40% of SANs in respect of children attending primary school. In relation to children attending post-primary school the EWS issued just over 27% of SANs in respect of children attending vocational schools and 21% attending secondary schools. Nearly 8% of SANs were issued in relation to children attending community schools and approximately 1% attending comprehensive schools. It was also found that approximately 3% of SANs were issued to children attending special schools and non-recognised schools.

		School Level			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Post Primary Community	229	7.8	7.8	7.8
	Post Primary Comprehensive	22	.7	.7	8.5
	Post Primary Secondary	623	21.2	21.2	29.7
	Post Primary Vocational	806	27.4	27.4	57.1
	Primary Ordinary	1189	40.4	40.4	97.5
	Special Education	69	2.3	2.3	99.8
	Non Recognised school	6	.2	.2	100.0
	Total	2944	100.0	100.0	

Table 5.1

<sup>29</sup> Vocational schools are now run by the Education and Training Boards which were formerly the Vocational Educational Committee

<sup>30</sup> Secondary schools are privately owned and managed. Vocational schools are state-established and administered by Education and Training Boards (ETBs), while community and comprehensive schools are managed by Boards of Management of differing compositions.

### 5.3.10 SAN: DEIS Status

In total, 45% of all SANs issued by the EWS between 2006 and 2013 related to children attending NON-DEIS schools. A further 31% of SAN's were issued in respect of children attending schools that were categorised as DEIS Post-Primary and an additional 17% categorised as DEIS Primary Urban Band 1. In the same period, 6% of SANs were issued in respect of children attending schools categorised as DEIS Primary Urban Band 2, while a further 1% of SANs were issued in respect of children attending schools categorised as DEIS Primary Rural. The pie chart below (figure 5.8) reveals the distribution of SANs issued by the EWS between 2006 and 2013 in the relation to DEIS status.

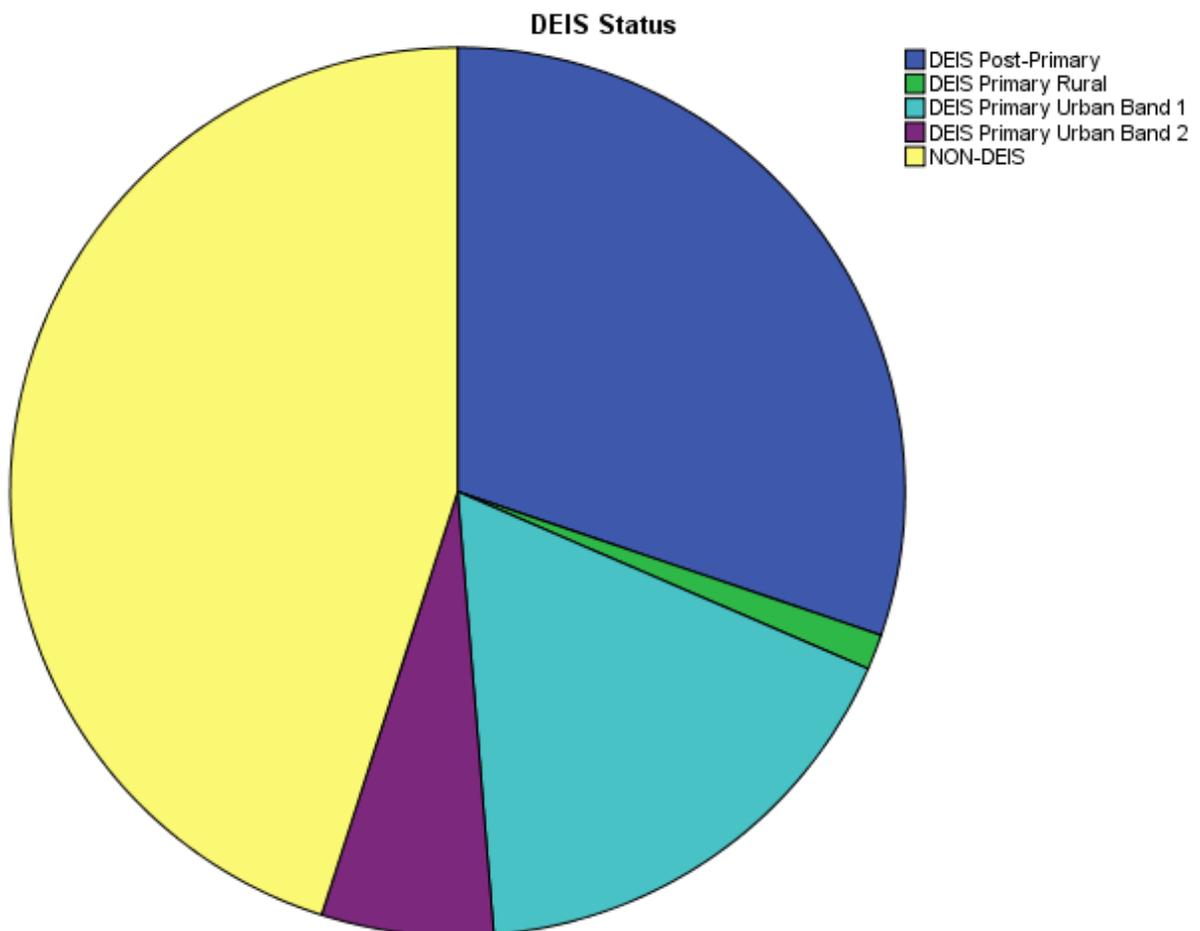


Figure 5.8

### 5.3.11 Summons: Number of Summonses Issued

Between 2007 and 2013, the EWS issued a total of 766 Summonses to parents for the school non-attendance of their children. However, 42 SAN's were not recorded on the database and two cases had missing data so a total of 722 cases were used for the purpose of this analysis, N=722. This represents a total of 24.5% of cases progressing from stage 1 of the legal process (SAN) to stage 2 of the legal process (Summons).

### 5.3.12 Summons: Yearly Distribution

The first Summonses were issued by the EWS in 2007 and have continued to be issued year after year. The findings reveal that the issuing of Summonses increased gradually year after year except for 2012 when they decreased by 8% from the previous school year. The EWS issued 7% in 2007 and 2008, 10% in 2009, 12% in 2010, 25% in 2011, 17% in 2012 and 22% in 2013. The findings are presented in the graph below.

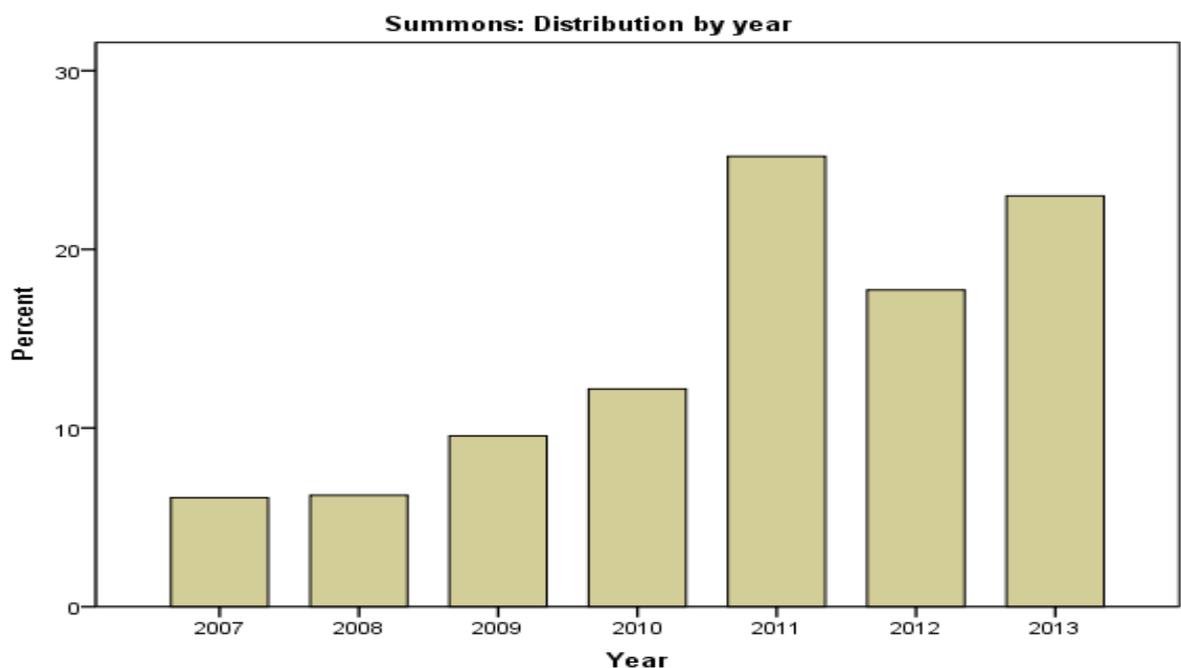


Figure 5.9

### 5.3.13 Summons: Age of Children

The analysis of the data reveals that between 2007 and 2013 the EWS issued 25% of all Summonses in respect of children who were 14 years of age. Within the same time period, 55% of all Summonses were issued in respect of children aged between 6 and 13 years of age. However, when this is broken down the analysis reveals that 3% of Summonses were issued in respect of 6 year olds, 2% in respect of 7 year olds, 3% in respect of 8 year olds and 5% in respect of 9 year olds. A further 7% of Summonses were issued in respect of 10 and 11 year olds, 10% in respect of 12 year olds and 18% in respect of 13 year olds. Furthermore the EWS issued 20% of Summonses in relation to children aged between 15 and 16 years of age.

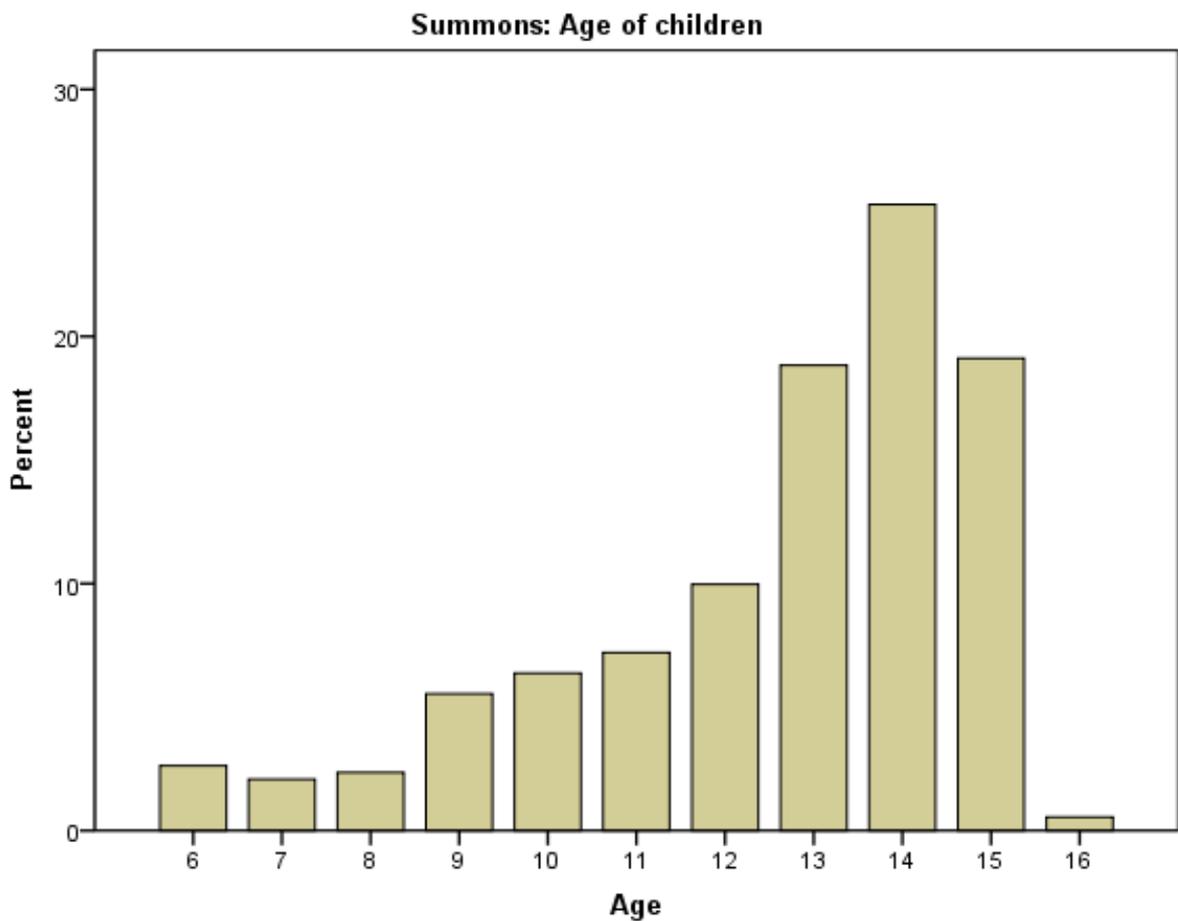


Figure 5.10

### 5.3.14 Summons: Gender of Children

The findings reveal that the EWS issued 51% of Summonses in relation to boys and 49% in relation to girls. Figure 5.11 shows the distribution of Summonses issued by the EWS between 2007 and 2013 in relation to the child's gender.

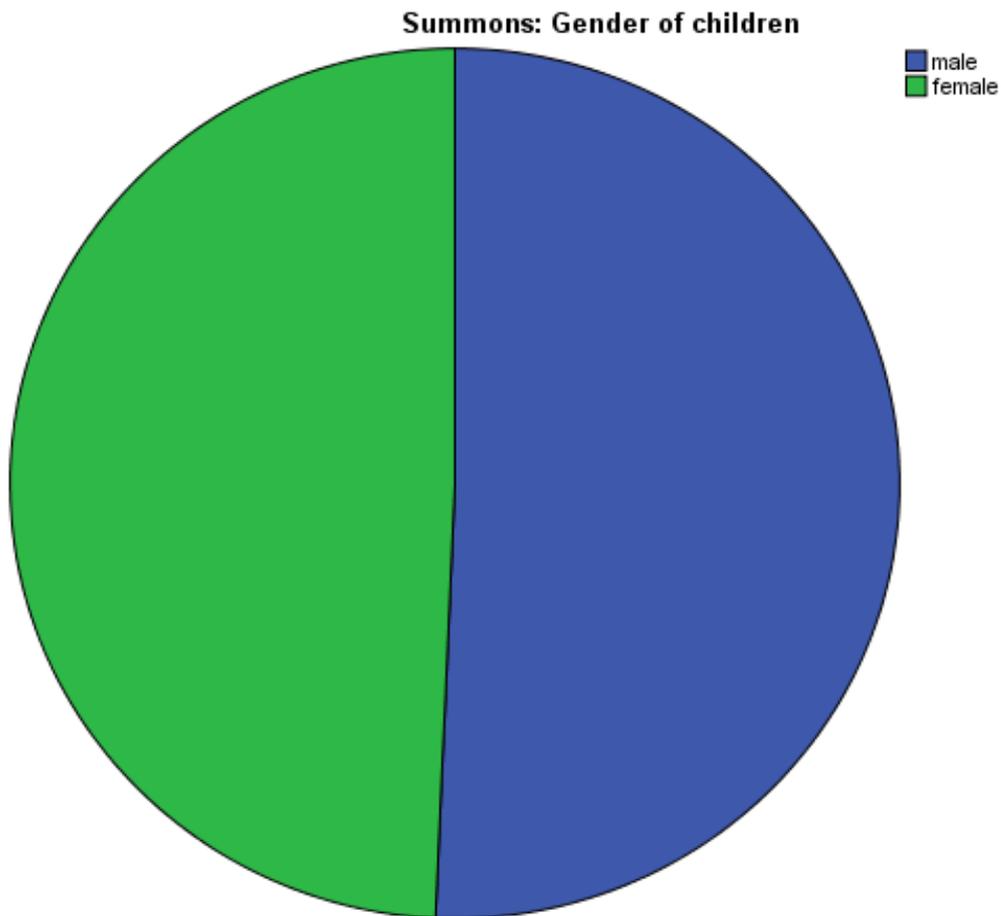


Figure 5.11

### 5.3.15 Summons: Parental Category

The EWS can issue a Summons to either one or both parents, if they continue to breach the requirements of the SAN. The findings reveal that since 2007, 74% of all Summonses were issued to both parents. A further 24% were issued to mothers and the

remaining 2% to fathers. The pie chart below (figure 5.12) outlines the distribution of Summons issued to parents between 2007 and 2013.

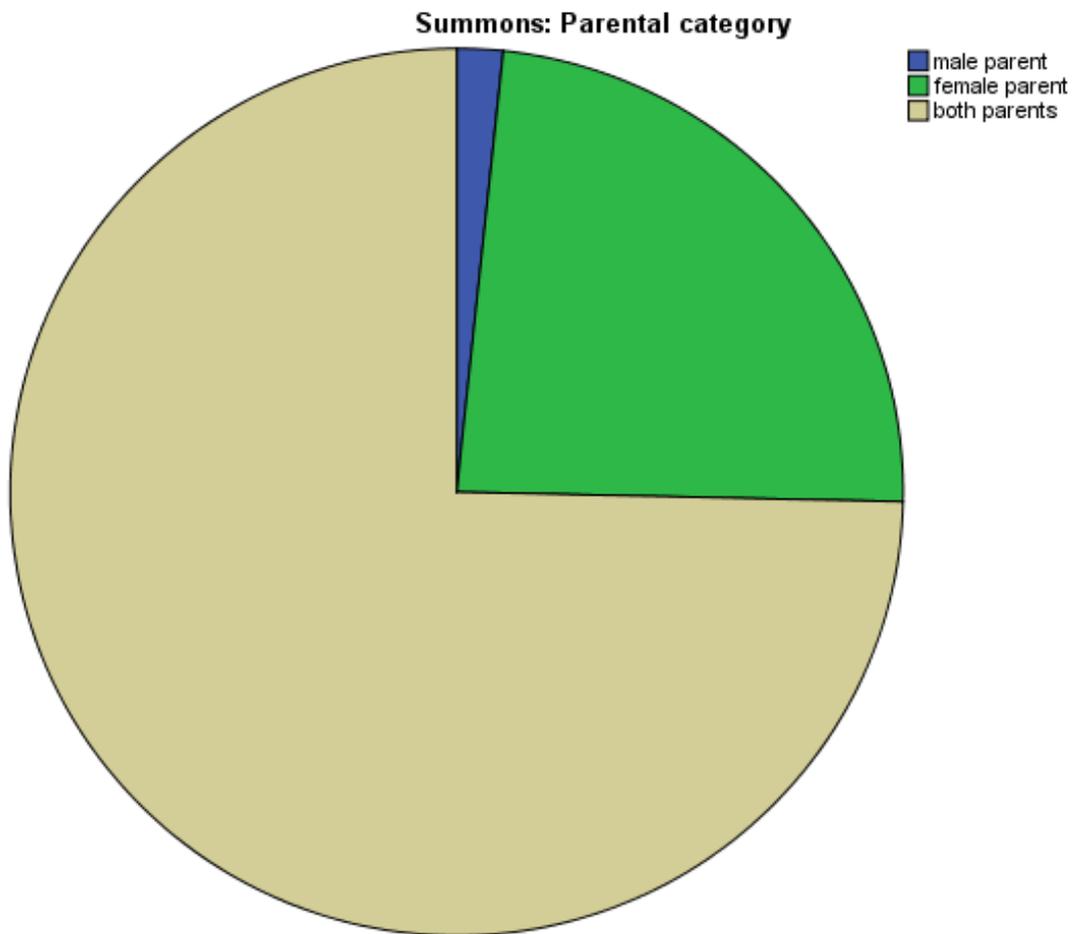


Figure 5.12

### 5.3.16 Summons: Gender of Parent

Between 2007 and 2013 the EWS issued 61% of Summonses to mothers and 39% to fathers. The graph below (figure 5.13) reveals the distribution of Summonses that were issued by the EWS between 2007 and 2013 in relation to the parent's gender.

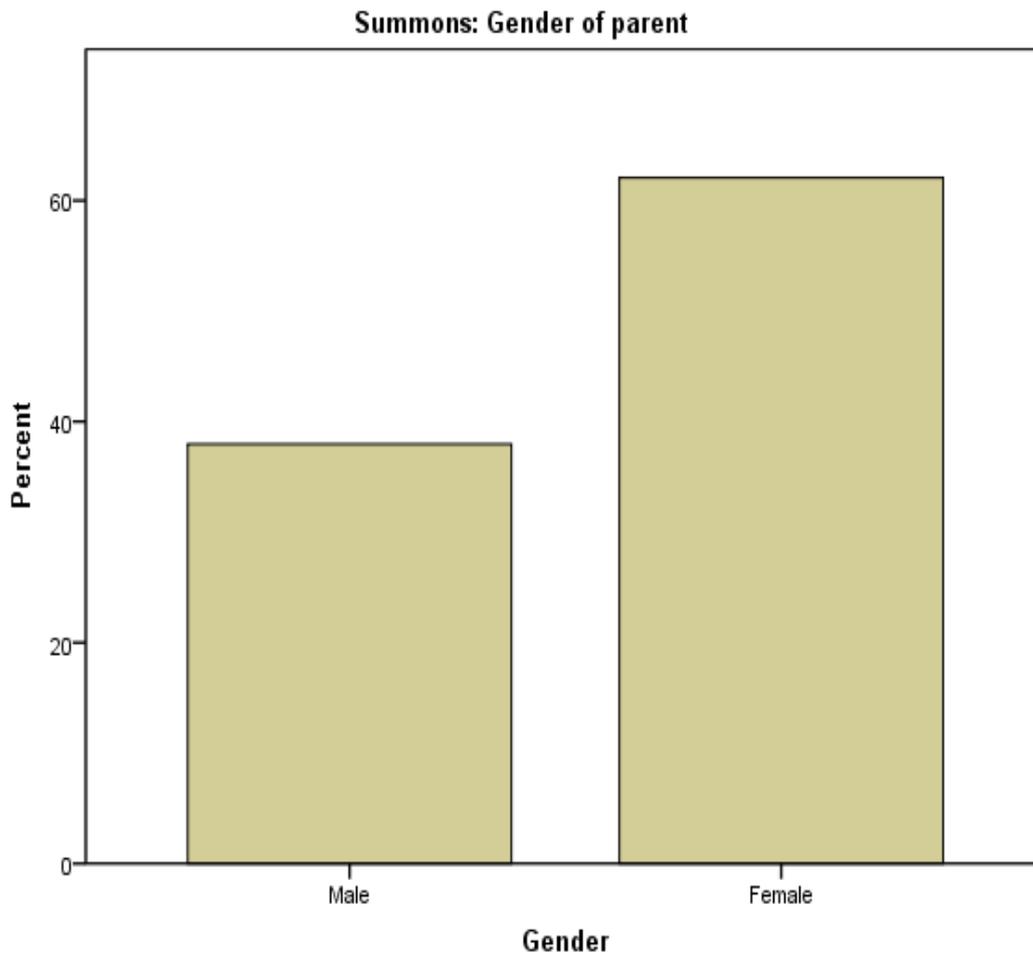


Figure 5.13

### 5.3.17 Summons: Regional Differences

Figure 5.14 below presents a graph outlining the distribution of Summonses across each region between 2007 and 2013. During this period, Dublin City issued 4%

of Summonses while the Leinster North region issued 9%. In addition, the Munster region issued 35%; the Leinster South region 24% and the West Northwest region issued 28% of all Summonses within this time period.

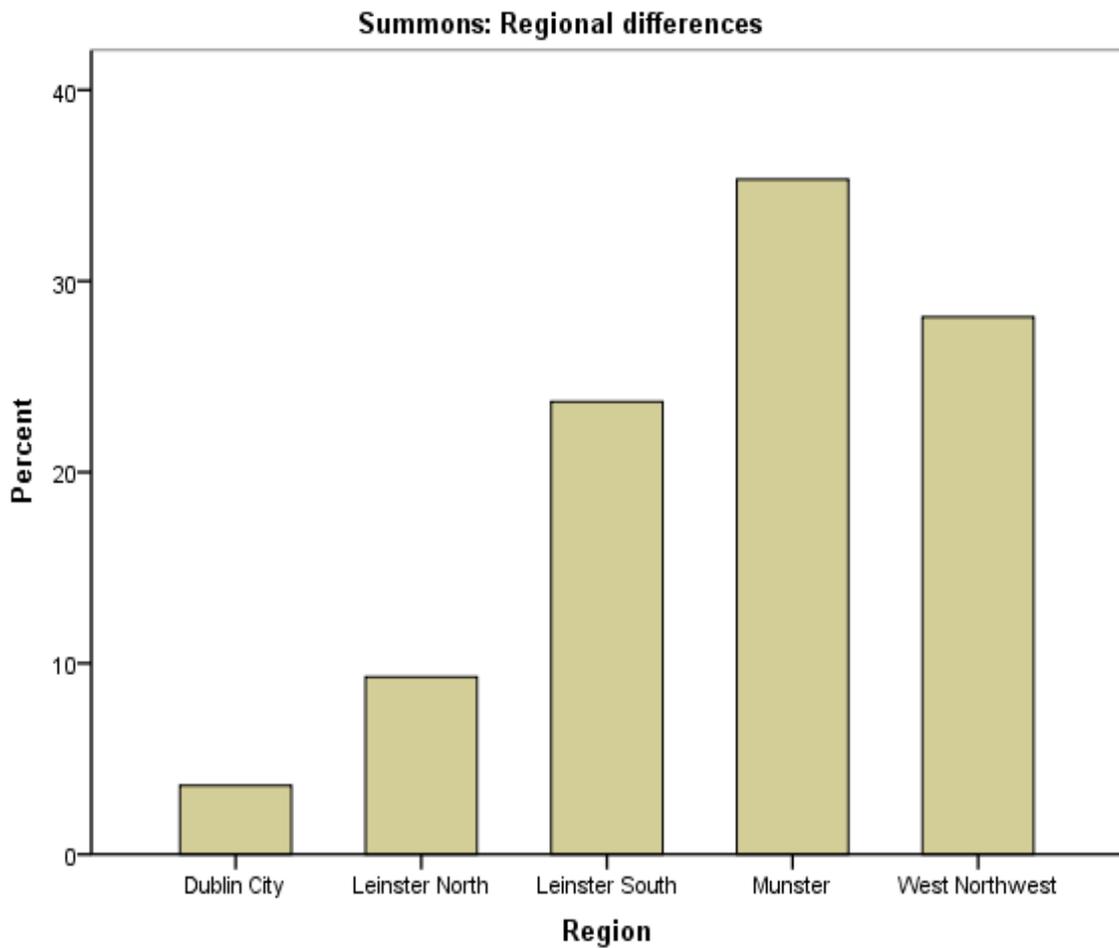


Figure 5.14

### 5.3.18 Summonses: County by County

Since 2007, the EWS issued Summonses to parents for the school non-attendance of their children across all counties in the Republic of Ireland. Appendix N presents a breakdown of the amount of Summonses issued by the EWS, county by county.

### 5.3.19 Summons: School Level

In total, 43% of Summonses were issued in respect of children attending primary school whereas 56% of Summonses were issued in respect of children attending post-primary school. The remaining 1% of Summonses was issued in relation to children attending special schools. The graph below (figure 5.15) outlines the distribution of Summonses that were issued by the EWS between 2007 and 2013 in respect of children attending primary or post-primary school<sup>31</sup>

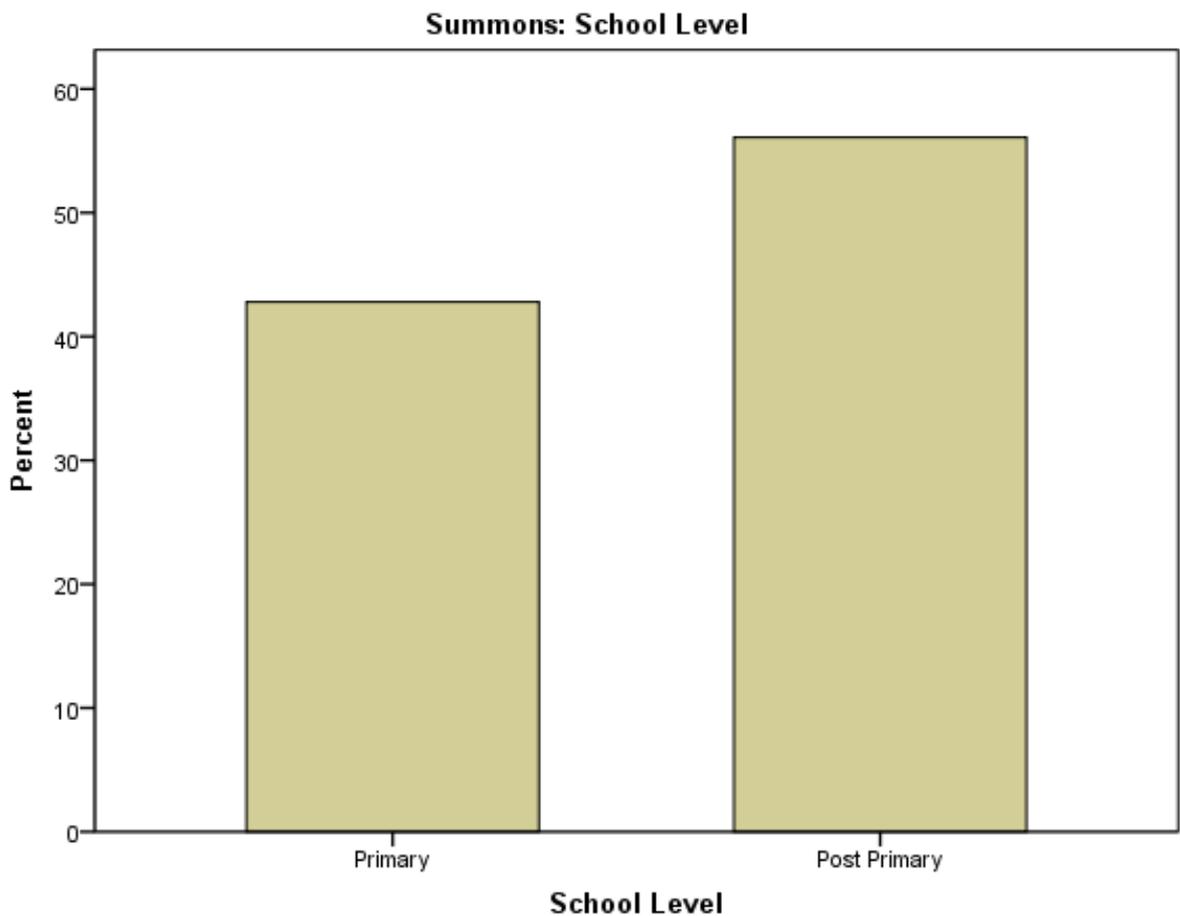


Figure 5.15

<sup>31</sup> I decided to remove the data for Special Education for presenting figure 5.15 as I was unable to establish what level (primary or post-primary) the Special Education category schools involved

The Irish education system consists of different types of post-primary schools. These are made up of secondary, vocational<sup>32</sup>, community and comprehensive schools (DES, 2014)<sup>33</sup>. The table below outlines the distribution of Summonses issued between 2007 and 2013 taking account of the different levels of post-primary schools. In total, the EWS issued 43% of Summonses in respect of children attending primary school. In relation to children attending post-primary school the EWS issued 31% of Summonses in respect of children attending vocational schools and 17% attending secondary schools. In addition, 7% of Summonses were issued in relation to children attending community schools with a further 1% attending comprehensive schools. The findings also reveal that 1% of Summonses were issued to children attending special schools within the time period.

Summons: School level				
	Frequency	Percent	Valid Percent	Cumulative Percent
	Post Primary Community	49	6.8	6.8
	Post Primary Comprehensive	8	1.1	7.9
	Post Primary Secondary	123	17.0	24.9
Valid	Post Primary VEC	225	31.2	56.1
	Primary Ordinary	309	42.8	98.9
	Special Education	8	1.1	100.0
	Total	722	100.0	100.0

Table 5.2

<sup>32</sup> Vocational schools are now run by the Education and Training Boards which were formerly the Vocational Educational Committee

<sup>33</sup> Secondary schools are privately owned and managed. Vocational schools are state-established and administered by Education and Training Boards (ETBs), while community and comprehensive schools are managed by Boards of Management of differing compositions.

### 5.3.20 Summons: DEIS Status

In total, just over 46% of all Summonses issued by the EWS between 2007 and 2013 related to children attending NON-DEIS schools. A further 31% Summonses were issued to children attending schools categorised as DEIS Post-Primary with as an additional 17% in DEIS Primary Urban Band 1. In the same period, just over 5% of Summonses were issued in schools designated as DEIS Primary Urban Band 2 and just under 1% were issued in respect of children attending Primary Rural Schools. The pie chart below (figure 5.16) reveals the distribution of Summonses issued by the EWS between 2007 and 2013 in the relation to DEIS status.

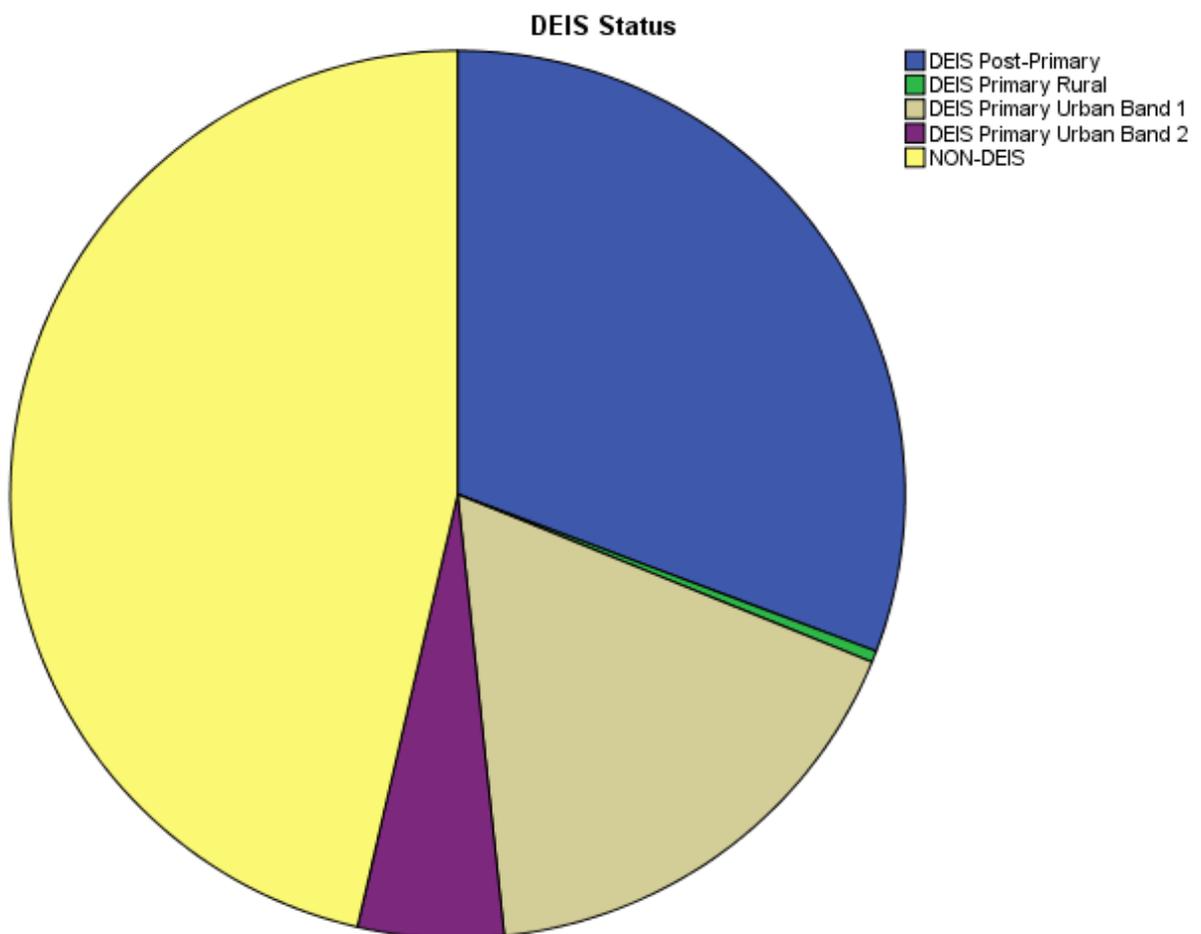


Figure 5.16

### 5.3.21 Summons: Time it takes to Proceed from SAN to Summons

The findings from this study reveal that during the period of analysis the average length of time it took for school non-attendance cases to be issued with a Summons was 1 year and 3 months. The findings also show that the majority of cases (76%) occurred within 11 months from the date the SAN was issued until the case was issued with a Summons. In addition, 22% of cases occurred between 12 months and 2 years with the remaining 2% of cases taking 2 years to be issued with a Summons. The graph below (figure 5.17) outlines the length of time it took for cases to be issued with a Summons between 2007 and 2013.

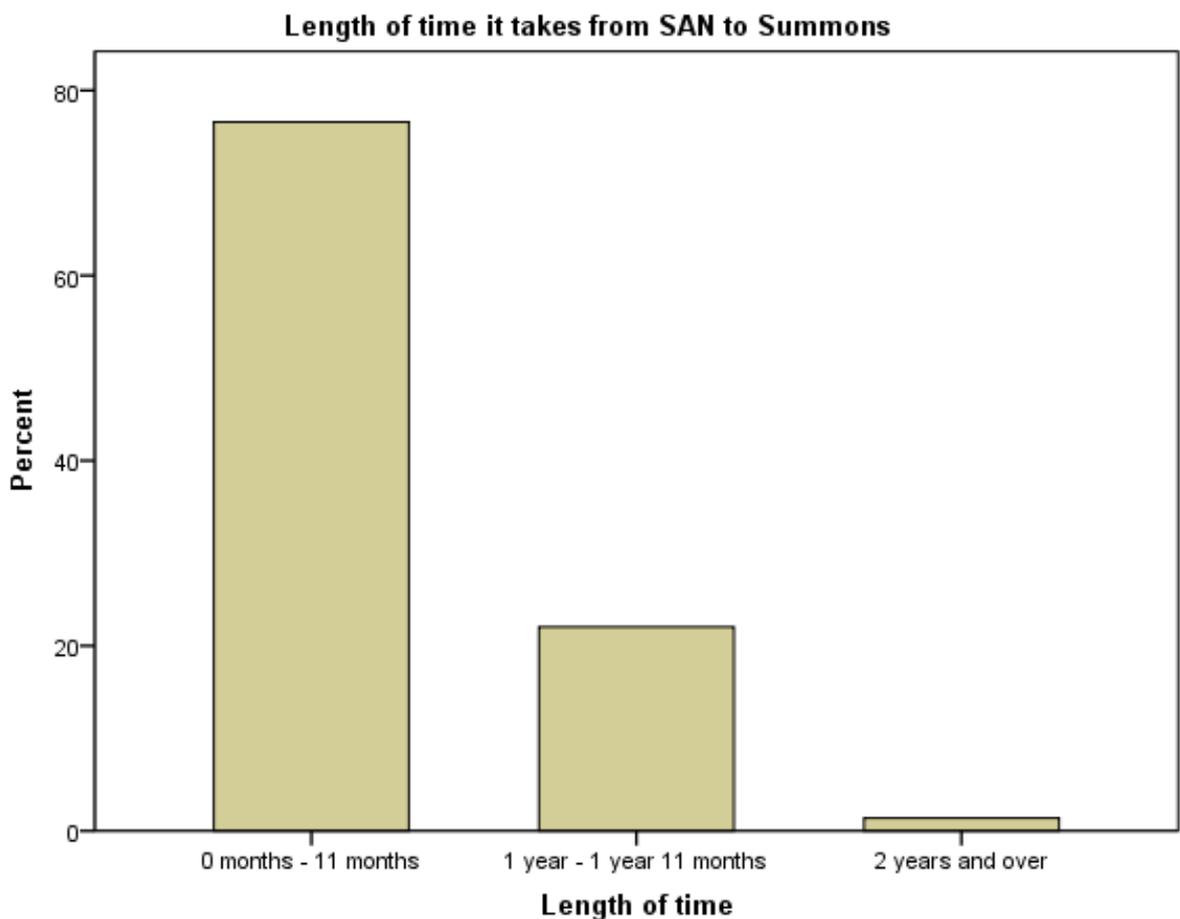


Figure 5.17

### 5.3.22 Summons: Court Penalties

Once a court judge finds a parent guilty of an offence under the Education (Welfare) Act, a number of sanctions may be imposed. The findings of the research found that 44% of cases received no penalty by the Court<sup>34</sup>. However, the results reveal that nearly 5% of cases received a custodial sentence. The analysis also reveals that nearly 27% of cases were issued with only a fine and approximately 8% of cases received a suspended sentence. The results also show that 8% received the Probation Act while another 8% of cases had not yet been finalised. Table 5.3 reveals the distribution of court penalties issued to parents by the Irish Courts between 2007 and 2013.

		Penalty			
		Frequency	Percent	Valid Percent	Cumulative Percent
	community service and fine	1	.1	.1	.1
	custodial sentence	26	3.6	3.6	3.7
	custodial sentence and fine	8	1.1	1.1	4.8
	Fine	193	26.7	26.7	31.6
	no penalty	317	43.9	43.9	75.5
Valid	not finalised	59	8.2	8.2	83.7
	Probation Act	58	8.0	8.0	91.7
	suspended sentence	45	6.2	6.2	97.9
	suspended sentence and fine	15	2.1	2.1	100.0
	Total	722	100.0	100.0	

Table 5.3

<sup>34</sup> Some parents were convicted of the offence but the court did not issue a penalty to the parent

### **5.3.23 Summons: Level of Fines**

The findings of the analysis found that between 2007 and 2013 a total of 30% of parents received a fine for not sending their child to school. The fines ranged in value from €10 to €700. In total 20% of parents received a fine of €10 in value. A further 18% of parents received a fine ranging between €25 and €150. In addition, 30% of parents received fines ranging from between €200 and €300 with an additional 18% of parents received fines ranging between €325 and €450. Overall 14% of parents received fines ranging between €500 and €700 in value.

## **5.4 The School Attendance Template**

In total 190 individual Summonses were issued by the EWS in 2011. When taking account of Summonses issued to both parents, in relation to the same child, this left an overall total of 115 cases. Out of this, data was received in respect of all three academic years for 72 cases only (N=72).

### **5.4.1 Summons Cases (2011): Region by Region**

From the data returned with three years non-attendance figures for cases brought to court in 2011 the table below reveals the breakdown of cases region by region. The West Northwest region accounted for 50% of the cases whereas the Leinster South region accounted for 4%. Each region is made up of a geographical area that is significantly different in size, location and population so it is important to be cautious of comparing and interpreting results.

		Region			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Dublin City	8	11.0	11.0	11.0
	Leinster North	6	8.3	8.3	19.3
	Leinster South	3	4.1	4.1	23.4
	Munster	19	26.6	26.6	50.0
	West Northwest	36	50.0	50.0	100.0
	Total	72	100.0	100.0	

Table 5.4

#### 5.4.2 Changes in Attendance following Prosecution

The average non-attendance rate before prosecution was 47.5% with the non-attendance ranging between 17% and 100%. Following prosecution the average school non-attendance rate among this cohort decreased on average to 29%, which results in overall school attendance improving by 18.5% throughout this period. Appendices O -S outlines each of the cases and the percentages for the school non-attendance region by region beginning with the West Northwest (O), followed by the Munster Region (P), Leinster North (Q), Leinster South (R) and finally Dublin City (S). The data also reveals that 18 cases had an overall improvement in school attendance over 25% with 3 cases reporting an improvement over 86%. On the other hand, the data also reveals that 13 cases reported an increase in school non-attendance over 25% with 2 cases reporting an increase in non-attendance over 70%. The impact of prosecution at improving school attendance is difficult to determine as it is rare this strategy is used in isolation. Therefore it is important not to apportion improvement in school attendance to prosecution alone and it is wise to be cautious when interpreting such results.

## **5.5 Conclusion**

This chapter presented the findings of the research in relation to the practice of prosecuting parents for the school non-attendance of their children from an Irish context. The inquiry conducted an in-depth analysis of all legal proceedings and prosecutions relating to school non-attendance initiated by the EWS between 2006 and 2013. The findings represent the Quantitative phase of the research analysis and will be followed, in the next chapter, by a presentation and discussion of the Qualitative findings. The Quantitative phase was organised under two different sections beginning with the findings from the SAN and Summons analysis. Subsequently this was followed by a presentation of the findings from the analysis of the School Attendance Template.

## **CHAPTER SIX: PRESENTATION OF QUALITATIVE FINDINGS**

### **6.1 Introduction**

This thesis examined the prosecution of parents for the school non-attendance of their children in Ireland. It explored trends and patterns in relation to prosecutions made under the Education (Welfare) Act 2000, between 2006 and 2013. It also examined the perceptions of educational professionals and parent representatives in relation to the prosecution of parents for the school non-attendance of their children. This chapter presents the Qualitative findings of the research which have emerged from four focus groups and are presented under the following themes:

Theme 1: Reported Factors Associated with School Non-Attendance;

Theme 2: Intervention Strategies which can Improve School Attendance;

Theme 3: General Principle of Prosecuting Parents for School Non-Attendance;

Theme 4: Factors to Consider when Prosecuting a Case, and

Theme 5: Court Sanctions and Outcomes.

### **6.2 Theme 1: The Reported Factors Associated with School Non-Attendance**

Participants discussed a wide range of issues that they considered had an impact on school attendance. These factors are presented under the following headings: student factors, family factors, school factors and system factors.

### 6.2.1 Student Factors

The participants expressed a range of views in relation to what they perceived were student factors associated with school non-attendance. For the purpose of this research, these factors are categorised under a number of sub-themes and include general absences, age, general illness and mental health, special educational needs, behavioural difficulties and undiagnosed learning needs, social isolation and loneliness, literacy and numeracy skills, where English is not the first language and children from a Traveller or Roma background. Bronfenbrenner's bioecological theory recognises the individual's characteristics alongside their interaction with multiple environments, also known as ecological systems in an attempt to understand the individual's development (Bronfenbrenner, 1994).

**General absences.** Children miss school for a variety of reasons but the term 'general absence' is used to describe short-term occasional absences. A recent evaluation of school non-attendance in Ballymun North Dublin found that the most common day for children missing school was Monday and that absences occurred most frequently in the month of December (Burtenshaw, Kenny Associates, 2012). Participants reported that certain days of the week, times of the year or the day after festivities are associated with school non-attendance with one participant expressing: '*general absences...Mondays, day after St. Patrick's day, the day after mother's day, they are the worst days*' [EWO1-154]. While it appears there may be observable patterns in relation to general absences, it is beyond the scope of this research to examine the level of impact these absences may have on school non-attendance figures.

**Age.** A number of research studies suggest that the rates of persistent absenteeism tend to be higher among adolescents than among younger children (Kearney et al, 2006; NEWB, 2009, Millar, 2012). At the same time other research suggests that the rate of non-attendance is higher with children attending Kindergarten or junior infants (Sanchez, 2012; Harris K. D, 2015; Burtenshaw & Kenny Associates, 2012). In all four focus groups, the age of the child was discussed as a factor that could impact on school non-attendance. Participants reported that the pattern of non-attendance started for some children from an early age and in some cases from as early as when the child began school in junior infants. This was expressed by one of the participants as follows: *'we [school] would have a lot of emerging attendance issues in junior infants and with [children] under 6'* [SCC4-26]. The non-attendance of older children was also discussed in the focus groups with one participant reporting *'it was harder for parents with teenagers, as they [children] are saying 'they won't go [to school] for me [parent]'* [SEWO1-669]. Several participants suggested that school absenteeism can become an issue for young people when they are transferring from primary to post-primary school with one participant expressing *'in 5<sup>th</sup> and 6<sup>th</sup> class, there can be a real panic because of the transfer...and there is a real fear of drop out'* [WCDM1-593]. A finding from the analysis of the SAN and Summons databases found that the EWS issued 69% of SANs and 74% of Summonses in respect of children over 12 years of age. While there are mixed views in relation to which age group presents with higher non-attendance, it appears there may be noticeable patterns in relation to school non-attendance associated with the age of the child.

**General illness and mental health.** A number of international research studies have found that one of the most common explanations for children missing school is due to general illness (Galloway, 1985; NEWB, 2007b; Kearney, 2008; Kearney et al, 2006, Sanchez, 2012), while many other studies outline the cause of school non-attendance as a result of a variety of health-related conditions such as depression, mental ill health and anxiety (Henderson et al, 2014; Kearney, 2008; Denny et al, 2003). Similarly, factors such as general illness or the child's mental health difficulties were perceived by participants to be associated with school non-attendance. Several participants were of the view that children missed school due to their own mental health difficulties which could impact on the students overall school attendance, with one participant expressing:

We are only an average size school over 500 [students] but we have 2 [children], at the minute, they are a boy and a girl and they have long term anxiety and high stress, they just cannot leave the home...they cannot attend school [PPP3-440].

A recent report confirms that in Ireland, one in three young people experience some form of mental health difficulty by the time they reach adolescence. It has also been suggested that the prevalence rate for mental health difficulties among children in Ireland is higher than in Europe and the US (Cannon et al, 2013). The latest figures confirm there are over 2,800 children on a waiting list for the Child and Adolescent Mental Health Services with 405 children on a waiting list for over one year (HSE, 2014; CMHC, 2015) with one participant expressing:

Quite a lot of our young people who are over the age of 12 have anxiety and worry about what's going to happen in school, bullying, dislike of

subjects and feeling they can't keep up with the type of work that they are required to undertake at school feeling pressured and stressed' [CCMH1-46].

Another participant was of the view that there was an increase with regard to the diagnosis of mental health difficulties in relation to children: *'I have been talking to the Child and Adolescent Mental Health Service and they would have said that it is something [mental health] on the increase'* [SEWO2-449]. While there is no direct evidence to support this particular participant's viewpoint, it is concerning that a large number of children are on a waiting list for mental health services throughout Ireland. Issues such as general illness and mental health difficulties may contribute to patterns of school non-attendance so it is essential that children have access to the services they require in a timely manner.

**Special educational needs.** School non-attendance is substantially higher in both special schools and in ordinary schools with special classes (Millar, 2016). It has been suggested that having a special educational need may pose a higher risk in terms of the student's school attendance (Thornton et al, 2013). Several participants were of the view that special educational needs could have a negative impact on the student's overall level of school attendance with one participant expressing: *'another reason for poor attendance on children is very complex special needs'* [PP1-758]. The Quantitative findings found that approximately 3% of SAN's and 1% of Summonses were issued by the EWS in respect of children attending special schools. However, it was not possible to establish the percentage of SAN's and Summonses issued in relation to children

attending ordinary schools with special classes as this data is not collected by the EWS. While there may be a possibility that having a special educational need may impact on school non-attendance, it could also be said that many children with special educational needs attend school regularly. This research was unable to present an overall analysis of the practice of prosecuting parents for the school non-attendance of children with special educational needs.

**Behavioural difficulties and undiagnosed learning needs.** It is well documented in the literature that issues such as behavioural difficulties or undiagnosed learning needs can have an impact on school non-attendance (Kearney, 2008; Sanchez, 2012; Hoyle, 1998; Reid, 2010; Henderson et al, 2014). It has also been suggested that it is essential to develop effective interventions for children with multiple diagnoses (Kearney et al, 2004). The focus group participants identified a range of complex needs which they considered could potentially impact on school non-attendance such as '*speech and language*' [EWO2-199], '*behavioural issues*' [EWO3-46] and '*learning difficulties that are undiagnosed*' [RM1-28]. Several participants reported that children with multiple diagnoses could present with more challenging and complex difficulties which could impact on the students overall school attendance with one participant expressing '*I think the combination is very difficult to manage...the kids that have a dual diagnosis*' [EWO4-1363]. While there may be a possibility that issues such as behavioural difficulties or undiagnosed learning needs may impact on school attendance, it would also be important to consider other factors such as the skills and expertise of staff when it comes to dealing with such challenging behaviour and the types of interventions offered by the school.

**Social isolation and loneliness.** A recent report suggested that there is an increase in the level of students who report feeling isolated in school (OECD, 2013). It has also been found that school loneliness is thought to be a strong predictor of early school leaving (Frostad et al, 2015; Darmody et al, 2007). Children's feeling of isolation was discussed by the participants as an issue that could impact on school attendance. One participant believed it was important for children to be able to form good friendships and social networks in order to address these issues. It was also reported that the issue of children feeling isolated can often be deep-rooted and difficult to address due to its complex nature:

A child might...find themselves on the fringes of a group and stop coming to school and their feelings of isolation becomes more and more entrenched and one feeds off the other. [RM1-29]

It appears that a student's feeling of isolation or loneliness in school may impact on their school attendance. As this issue could potentially result in students dropping out of the education system altogether, it is important to gain an understanding of the causes of isolation and loneliness in order to provide the opportunity to address these issues within a safe and secure environment.

**Literacy and numeracy skills.** In Ireland, poor literacy skills have been identified as a barrier to accessing the education system (DES, 2011). School non-attendance was also identified as one of the greatest obstacles to the improvement of literacy and numeracy levels (DES, 2005b). Participants reported that children's literacy and numeracy skills could have an impact on a student's school attendance with one

participant expressing; *'the foundation blocks of literacy and numeracy when they miss chunks of time it's difficult to bring them back up to the class standard'* [PP1-750].

Another participant suggested that children with limited literacy skills could find the range of subjects difficult to cope with: *'poor literacy and numeracy in post-primary, the inability to cope with all the subjects, they are just lost'* [PPP2-18]. It appears that poor literacy skills may contribute to school non-attendance. Over the past number of years there is an increased focus on the development of literacy skills, within the Irish education system. It is therefore important to evaluate what impact this approach may have had on school attendance levels.

**Where English is not the first language.** It has been reported that approximately 22% of children in Ireland come from a family background where English is not their first language and these students may find it difficult to acquire the language skills necessary to succeed at school (DES, 2011). Research on persistent school non-attendance among Irish primary pupils found that children of mothers whose native language is not English were more likely to have poor school attendance (Darmody et al, 2013). Several participants perceived that children from a family background where English is not their first language may find it difficult to cope in school which could ultimately impact on their school attendance with one participant expressing; *'with other nationalities, there seems to be a language barrier...we are noticing they seem to be the ones we have to concentrate on because they seem to have the worst attendance'* [PPP1-96]. It was also suggested that some of these families may experience additional challenges trying to engage with the school system with one participant expressing; *'you can imagine if English is not your first language, just getting through a meeting I am*

*sure you are not even taken on what is being said'* [TYCW1-995]. It may also be said that students from family backgrounds where English is not their first language attend school and perform well within the educational system (Devine, 2005). Notwithstanding this, it is essential that the necessary language support is made available to those children who require it and that their families are supported.

**Children from a Traveller or Roma background.** Research suggests that Traveller children continue to experience higher rates of educational underachievement and early school dropout (Frehill et al, 2015). It has also been reported that students from a Traveller background are more likely to miss school or have greater feelings of isolation at post-primary (Darmody et al 2007; Forkan, 2006; NCCA, 2004; Titley, 2009). Participants expressed the view that school non-attendance is a feature for some children from Traveller and Roma communities. One participant believed that the Traveller community may feel that the educational system does not reflect their culture and reported that she had been informed by some parents *'that's not our way, we don't go to school after 12, or we don't go to school at secondary level'* [SEWO2-38]. It is advisable to be cautious when examining such a statement in order to avoid making any type of generalisation. Another participant expressed concern regarding the lack of support towards families in the Roma community which she believed had an impact on school attendance: *'For the Roma community there is no support and some parents don't know how to read or write even in their own language so how can they support their children in school'* [RCDW1- 169]. There is some evidence of an overall improvement in the participation of Travellers in education (DES, 2006). However, statistics show that 55% of Travellers currently complete their full time education by the age of 15

(Pavee Point, 2014). Participants expressed concern at the level of cuts to traveller education over the past number of years and questioned the impact this may have with one participant expressing: *‘with the traveller specific education cuts...we are seeing more and more travellers dropping out of education’* [TYCW2-498]. It is therefore important to continue to build on the positive outcomes already achieved to further improve the participation of Travellers across the education system.

### **6.2.2 Family Factors**

The focus group participants reported a range of views in relation to what they perceived were family factors associated with school non-attendance. It is important to point out that these perspectives are outsiders’ views on family lives and may not reflect the reality of that life but provide an interesting perspective to the overall discussion. The factors are categorised under a number of sub-themes which include ‘a form of neglect’, parental mental health and learning difficulties, parenting, structure or routine, parental participation, the value placed on education at home, poverty and related issues, alcohol and drug addiction.

**‘A form of neglect’.** Neglect is defined in terms of an omission, where a child suffers significant harm which only becomes evident over a period of time. Educational neglect is defined as consistent absenteeism which averages at least 5 days a month where the parent is informed of the problem and does not intervene (HSE, 2011). In addition, schools in Ireland are required by law to report all absences over 20 days to the EWS. Participants discussed the topic of educational neglect in relation to the impact on

school attendance. However, for one participant it was difficult to accept that any parent would intentionally decide not send their child to school and think that it was a good idea, expressing that the issue was much more complex and multifaceted *‘I don’t think anyone intentionally decides not to send their children to school and says it is a good idea...there are parental factors...school atmosphere, school relations’* [CFCM1-44]. While another participant expressed a view that not sending a child to school was a form of neglect *“I feel not sending your child to school is a form of neglect...because you are jeopardising their future the same way as if you didn’t feed them”* [SSC2-571]. It could be said that such a comment could be open to challenge by those who choose to educate their children outside of the formal education system. It was also suggested that the issue of school non-attendance should not be treated in isolation as it could be a symptom of some other welfare issue with one participant expressing: *‘If the school attendance is treated on its own, you are missing out on a lot of other things...it is a symptom of other pieces’* [YCW1-1113]. The evidence appears to suggest that consistent school non-attendance may be considered as educational neglect but it is essential in the first instance to try and establish an understanding for the school non-attendance in order to support the parent and child.

**Parental mental health and learning difficulties.** In Ireland, there are between 60,000 and 75,000 children living with a parent that has a mental health difficulty (Hansson et al, 2013). It has been suggested that these children are more likely to struggle in terms of educational attainment and participation (Cleaver et al, 2013). The international literature in relation to parents with intellectual disabilities has primarily focused on concerns about their ability to parent (Tarleton & Ward, 2007). However,

research has shown that parents with learning difficulties can parent effectively with adequate support (Sheerin, 1998; Tarleton et al, 2007). Participants perceived that a parent's mental health or learning difficulties could be associated with school non-attendance. Several participants discussed the impact parents' individual needs may have on their ability to ensure their child attends school with one participant expressing: *'I think parental mental health, parental addiction and parental intellectual difficulties are the biggest challenges for us in terms of trying to support children to participate in school'* [CFCM1-142]. While another participant suggested that parents could feel overwhelmed: *'there are general parental issues...parents feeling overwhelmed with what they have going on and not being able to cope'* [PP1-13]. One participant suggested that parents are sometimes unable to cope with their child who is suffering from a mental health difficulty which could also impact on school attendance: *'I think parents are afraid to push their kids especially when they come into the teenage years more so'* [PPP2-456]. It was also suggested that young people may miss school due to their own anxiety about being away from a parent who has health difficulties with one participant expressing: *'it is not just the parents inability or difficulty about supporting the young person but it is the young person's anxiety about being away from the parent with a health condition'* [CCMH1-210]. While the evidence suggests there may be a connection between school non-attendance and the individual needs of a parent, it highlights the importance of considering such factors in addressing school non-attendance for particular children.

**Parenting.** Parenting can be defined as the process of supporting the physical, emotional, social and intellectual development of a child through to adulthood. It has been suggested that the challenges of parenting can be overwhelming for some yet the way these challenges are dealt with can dramatically affect how well the task of parenting is met (Rasmussen, 2014; Mazzucchelli et al, 2010; Reddy, 1997). Several participants reported that parents can sometimes feel overwhelmed which can impact on school attendance with one participant expressing: *'you see huge deprivation, sometimes it is a lack of money, it is a lack of putting a meal on the table, how to organise, washing not having a place to do their homework, it's kind of incredibly overwhelming'* [EWO4-170]. The ability of a parent to cope with everyday life was expressed by one participant as a factor that could impact on school attendance: *'I think in a lot of cases for parents to have children up at nine and in school and dressed with bags and everything, it's too much for them and they just can't'* [SSC2-108]. While this observation could be viewed as somewhat colluding or giving up on the parent, it is essential that parents are offered practical support which builds on their strengths.

Adolescence is a particular phase of childhood that can test the limits of parental control due to the young person's need for autonomy (Harris-McKoy et al, 2012). Participants perceived the lack of parental control as a factor that could impact on school non-attendance with one participant expressing: *'It totally comes down to the parents and whatever control they have over them, the kids are allowed to dictate to the parent'* [PPP2-30]. While another participant suggested that parents can find it difficult to deal with teenagers: *'Once the teenage years come in, the parents we work with don't have the ability to negotiate or respond to the kind of teenage needs'* [YCW1-341]. It was

also suggested that there is a link between parental control and the age of the child with one participant expressing: *'I do feel sorry for parents when children are older and they are deciding not to go to school...the children have kind of taken control'* [SCC2-780]. This participant's reflection may seem to shift responsibility more towards the child in this scenario, but it is essential to acquire a comprehensive understanding of how the parent/child relationship has developed over time in order to make a complete assessment of why older children might miss school.

The parent's ability to parent was discussed as a factor that could impact on school non-attendance. Parenting capacity is described as the ability of the parent to parent in a *'good enough'* manner in the long term (HSE, 2011: p.109). Participants reported that a lack of parental capacity could have an impact on the parent's' ability to ensure that their child attends school with one participant expressing: *'The parents are able to parent up to the age of 12...once the teenage years come in, the parents we work with don't have the ability to negotiate'* [YCW1-338]. While this quote suggests that some parents may benefit from additional support throughout this period of childhood, it is important to be mindful that this is a particular view which may not come from the same perspective as a parent's or child's. It is important that factors associated with parenting are taken into consideration where there is the possibility that a parent may be prosecuted for the school non-attendance of their child. A parenting assessment tool should be developed for the EWS in order to assess the parent's' ability to ensure that their child attends school, especially if there is any potential that a parent could be prosecuted and ultimately sent to prison.

**Structure and routine.** A number of research studies emphasise the importance of recognising the impact that the lack of structure or routine can have on children's overall wellbeing (Dimmick et al, 2011; Hallam et al, 2008; Pellegrini, 2007; Teasley, 2004). Some participants were of the view that the lack of structure at home could impact on school attendance. Participants also reported that the absence of a daily routine may impact negatively on a child's school attendance with one participant expressing:

I suppose in my experience, its young people coming from very chaotic homes where the parents don't have the ability to organise to get them out in the morning, or if they are coming into school without lunches or without homework being done the evening before they [children] miss out on days. [YCW1-28]

The use of the word 'chaotic' may be viewed as a hugely judgemental statement which carries a perceived lack of empathy towards families. It may seem to appear that issues such as the reported lack of structure or routine at home may be viewed by the participants as impacting on school attendance. However, it is also important to recognise that many parents who home educate their children often use a less structured approach to learning which can have positive outcomes (DES, 2003). These parents may have different views in relation to the impact that the lack of structure or routine at home may have on a child's overall learning and indeed refute the judgement embedded in the use of language by professionals.

**Parental participation.** It has been suggested that parental involvement in education can be associated with improved student engagement and academic achievement (Daniel, 2015; Wang et al, 2014, Darmody et al, 2007; Simons-Morton et al, 2003). Some of the participants considered that the lack of parental participation could impact negatively on school non-attendance with one participant expressing *'It's about the parents engaging...the parents might not have turned up to fill out the form for enrolment or they haven't turned up to the open night'*, [SEWO2-56]. This statement implies that engagement is a one-way-process which solely places blame on the parent. However there may be a number of reasons why a parent may disengage with the school system which could be a result of factors outside the parent's control. Participants highlighted the need for the school to examine how they engage with parents with one participant expressing: *'There is a power differential, no matter what you say...It is not just the parent's responsibility to engage, it is the schools responsibility as well'* [CFM1-1040]. Another participant expressed the importance of engaging with parents in a more positive way: *'A lot of the time the only engagement is when there is something wrong...so there is very little positive engagement'* [TYCW2-1075]. Research has also found that a parent's own experience of school can impact on how they engage with the school system (Southwell, 2006). This issue was discussed in the focus groups as a factor that could potentially impact on school attendance with one participant expressing: *'One of the reasons for me is definitely the value placed by parents on education and their own experience of it'* [EWO4-14]. While it may seem that the lack of parental engagement may be associated with school non-attendance, it is important to recognise that there may be a variety of factors that impact on why a parent may not participate or engage in their child's education.

**The ‘value’ placed on education at home.** It has been suggested that the value placed on education at home is considered an influencing factor in determining a student’s attitude to education and attendance (Ipsos MORI, 2008). Several participants expressed a view that school attendance may be influenced by the value placed on education at home. One participant expressed the view that parents of younger children may not believe that their child is missing out when they are absent from school: *‘we would have a lot of emerging issues in junior infants and a lot of it is down to parents, they don’t feel like they are missing out...they don’t see it as the building blocks’* [SSC4-26]. However another participant expressed the need to understand and challenge *‘reproductions of inequality within education’* [TYCW1-82] recognising that some parents may have had a negative experience of school which in turn could impact on their child’s education. It was also reported that the value placed on education by particular communities such as Travellers may be associated with school non-attendance. Challenging this perspective, one participant spoke about the difficulties that Travellers can face on a daily basis expressing the need for such issues to be acknowledged within the overall debate: *‘for us a lot of these young people don’t even have access to water or electricity, getting up in the morning and going outside to get washed in little sheds’* [TYCW2-115]. While the retention rates for Traveller children at post-primary level is low (DES, 2005d; DES, 2002) research has shown that Traveller parents value education despite the additional challenges they experience throughout their lives (DES, 2005; Forkan, 2006; All Ireland Traveller Health Study Team, 2010). It is important to recognise that the term ‘value’ can often mean various things to different people. For example, many parents throughout Ireland choose to educate their children at home and would argue that they value education just as much as those parents that choose to

educate their children within the school system.

**Poverty and related issues.** Research has confirmed that poverty and socio-economic disadvantage is associated with educational attainment and school attendance (Spradlin et al, 2012; Chang et al, 2008). Participants reported that issues such as poverty and families experiencing '*huge deprivation*' [SSC4-170] are potential factors which impact on school attendance. One participant expressed the view that families under financial pressure cannot afford certain resources for schooling, such as books and uniforms, which could impact on school attendance. However the same participant reported: '*in our school they cannot give that as a good enough reason because we will provide everything if needs be like down to uniform, pencils, school bags*' [PP1-24]. The issues surrounding socio-economic disadvantage and poverty are much more complex than what the comment above suggests but it highlights the support that some schools may be able to offer to students. Another issue that was highlighted in one of the focus groups related to the extreme poverty that some Roma families are living in coupled with the issue of habitual residence which excludes these families from qualifying for social welfare payments and in turn impacts on their children being able to attend school. The problem of homelessness was also raised as an issue that directly affects children attending school with one participant expressing: '*In the last couple of years, homelessness is becoming huge in terms of where families are placed and trying to trek to school...taking 2 to 3 buses*' [HSCLC1-218]. While another participant expressed: '*Just even 2 weeks ago we had 16 young kids out of school because of homelessness*' [TYCW1-223]

**Alcohol and drug addiction.** Alcohol and drug addiction are considered risk factors that can have an impact on school attendance (Hallam et al, 2008; Denny et al,

2003; Tyerman, 1968). Several participants reported that issues in relation to alcohol and drug addiction could influence the impact on school attendance. Participants expressed the view that parental alcoholism or addiction could impact on school attendance with one participant expressing: *'A lot of parents may have been through alcohol or some form of addiction and their lives may be unstructured...the biggest challenge for them is to get structure back'* [SSC2-113]. It was also reported that substance misuse may be responsible for the inability of parents to put structures in place with one participant expressing: *'Addiction, the parents being out the night before can often be a reason why the children are not in school the next morning and difficulties around morning routine'* [HSCLC1-26]. Alcohol and drug addiction may pose a potential risk factor in relation to school attendance. It is therefore important that parents affected by addiction are offered the support of the addiction services which provide a specialist service in relation to addiction. It is also important that these services work closely with the education system in order to exchange knowledge and to develop programmes to support these parents.

### **6.2.3 School Factors**

The focus group participants discussed a number of factors associated with school that they considered impacted on school attendance. These factors are categorised under a number of sub-themes which include school climate, teacher-pupil relationship, curriculum difficulties and school size, level and type.

**School climate.** A number of research studies emphasise the importance and influence the school climate may have on attendance levels (Ipsos MORI, 2008; Pellegrini, 2007; Harvey, 2003). Schools that provide a supportive, caring environment are shown to impact more positively on school attendance and student behaviour (Claes et al, 2009; NEWB, 2008; Attwood et al, 2006). Participants reported that the atmosphere within the school could influence a child's attendance and expressed the view that children are more likely to attend school that has a caring and safe school environment. The attitude and leadership of the principal was viewed by participants as an important element in creating a positive school environment with one participant expressing: *'Often I have sat outside the principal's office and felt really intimidated and I am there in the capacity of a worker, so imagine if your literacy is poor or English is not your first language'* [TYCW1-993]. One participant expressed the view that some schools, particularly post-primary schools, impose penalties on pupils or give them detention, something which can negatively impact school attendance. However, the same participant reported that it was necessary for schools to have structures and boundaries in place as it would be *'detrimental to the whole school environment'* [SCC2-55]. It is interesting to observe that the participant seems to be torn between the two approaches. Participants also spoke about the approach schools take in receiving children into school in the morning and the impact this can have on school attendance. One participant said that the inflexibility of a schools approach could impact negatively on school attendance: *we had a young person recently turned up to school in runners...was told you have got to go and he was like I am not going back to that school'* [CCMH1-100]. It appears that creating a positive school climate could potentially influence school attendance in a positive way, and it is therefore essential that schools

develop policies and procedures which support creating such an environment.

Bronfenbrenner's bioecological theory recognises that supportive and nurturing interactions between the individual and their environments will understandably foster the child's development in a positive manner (Bronfenbrenner, 1994).

**Teacher-pupil relationship.** It has been suggested that students are less likely to be absent from school when they experience more positive interactions with their teachers (McCarty et al, 2004; Smyth, 1999; Pomeroy, 1999). The teacher-pupil relationship was highlighted by participants as a possible factor impacting on school non-attendance. However, one participant expressed concern at the amount of work involved in primary school: *'There is too much going on in primary school; they are too busy...there isn't physically enough time for those teachers to deal with stuff'* [SCC4-492]. It was also suggested that it might be more challenging to develop relationships in post-primary school due to the high number of teachers the student and parent have to engage with as one participant expressed: *'There are a lot more teachers for parents to try and engage with...parents may find the whole secondary thing quite intimidating'* [FSC1-982]. However the participants shared the view that developing good relationships could be a possible factor in addressing school attendance difficulties. Analysing the pattern of attendance was expressed by one of the participants as a potential way of highlighting a relationship that can support the child in school:

Going through the timetable with kids that miss school, certain days, certain times you know you get a flavour for the things they like to be in for and it may be fun classes or just a teacher that has taken an interest in

them, or they like that teacher. So trying to identify someone that they can link in with can make a difference [SEWO2-109].

**Curriculum difficulties.** A review of the primary school curriculum has highlighted a number of difficulties in relation to the curriculum when trying to meet the individual needs of children (NCCA, 2010). Moving from primary to post-primary may be challenging for some students and they may feel overwhelmed by aspects of the curriculum such as the large amount of subjects they are required to take (NCCA, 2004). The suitability of the curriculum was reported by participants as a factor that could have an impact on school non-attendance. One participant expressed the view that *'there are still young people going into secondary school who aren't able for the curriculum in first year'* [EWO2-58]. Another participant reported that students may find it difficult to cope with the amount of subjects they are required to take: *'the inability to cope with all the subjects, they are just lost'* [PPP2-20].

The findings from a study on the causes and effects of school non-attendance found that it became increasingly difficult for pupils returning to school to catch up on work they missed thus creating a *'snowball phenomenon'* of an unending pattern of cause and effect (Malcolm et al, 2003 p15). A similar view was also expressed in the focus group interviews. One of the participants reported that the non-attendance itself could impact on a child's ability to catch up with school work: *'you can see why, a few days this week, a few days next week, they go back and just can't pick up where they left off and are out more now because they are struggling'* [PP1-83]. While another

participant expressed that it might also be difficult for children when they miss school as their friends may have moved on stating: *'it can be a difficult environment to come in...if they have been out for a few days and their friends have moved on doing something else'* [HSCLC1-55]. It appears that there may be potential for students to miss school due to struggling with the curriculum or the ability to catch up with school work.

**School size, level and type.** It has been suggested that students attending smaller schools show signs of higher attendance levels (McCoy et al 2007; Gardner et al, 2000). It has also been reported that absenteeism can be higher in post-primary schools compared to primary schools (Millar, 2013; Schagen et al, 2004). Several participants reported that the size of the school could be considered a potential issue affecting school non-attendance with one participant expressing: *'I work with one large school and one very small school, I think it is easier to keep an eye on them in a small school, we know them better'* [SSC4-290]. Participants also expressed the view that the structure of the school system at post-primary level may contribute to school non-attendance as it may be more difficult to monitor attendance with one participant expressing:

It depends on the size of the school because sometimes kids can get lost in a massive school...it's harder in post-primary to keep a track on it because in primary school you have got the same children sitting in front of you from September to June [EWO4-83].

It has been acknowledged in the literature that school attendance varies according to school type (Smyth, 1999; Mac Aogain, 2008; Millar, 2012). Whilst this issue was not directly discussed in the focus groups, the analysis of the SAN and Summons

database show that there is a considerable difference in relation to the amount of SANs and Summonses issued in relation to children attending Vocational, Secondary, Community and Comprehensive schools. In total 1% of SANs and 1% of Summonses were issued in relation to comprehensive schools compared to 27% of SANs and 31% of Summonses in relation to Vocational schools. It appears that the size, level and type of school may contribute to school non-attendance.

#### **6.2.4 System factors**

The focus group participants discussed and reported on a range of views relating to systems factors associated with school non-attendance. These factors are categorised under a number of sub-themes which include: generational pattern of truancy, allocation of resources, managing school attendance, the education system and the complex nature of school non-attendance.

**Generational pattern of truancy.** A significant factor in relation to school non-attendance has been described as second or third generational “truancy” (Reid, 2008). Participants reported that school non-attendance can be observed in certain families from one generation to the next with one participant outlining that she currently works with families who are presenting with second generation “truancy”. Participants reported that the pattern of non-attendance in some families is like a *‘cycle repeating itself’*, [EWO4-17]. While another participant expressed that school non-attendance can become normalised in some families: *‘I think it is just the norm it has got to the point for whatever the reason it started with their own parents or grandparents’* [HSCLC1-1182].

Another participant spoke about the importance of identifying young role models from within a community and celebrating their achievements in order for young people to be inspired: *'Young people learn from other young people...we have young Travellers that have done really well and gone onto third level and they are the people we should be highlighting'* [TYCW1-1211]. While it is not possible from this research to measure the extent to which this issue impacts on families it appears that school non-attendance can be observed in families from one generation to the next.

**Allocation of resources.** The allocation of resources in relation to children with special educational needs, the provision of resources for schools under the DEIS<sup>35</sup> programme and the withdrawal of traveller specific education funding were discussed by the participants as factors that could possibly influence school non-attendance. The current practice of resource allocation for children with special educational needs has been described as inadequate and Kinsella et al (2014) suggest that the eligibility criteria should focus on the child's needs. Participants viewed the system for applying for resources as bureaucratic and time consuming which could impact negatively on school attendance with one participant expressing:

Another reason for poor attendance on children is the very complex special needs [cases] that don't meet the criteria of the DES. They don't get resource hours or special needs assistants. They [children] may have five different reports from five different specialists but if they don't

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<sup>35</sup> DEIS – Delivering Equality of Opportunity in Schools is an integrated schools supports programme providing extra interventions to address the educational needs of young people from disadvantaged communities

actually say something in an exact way, it doesn't matter... that rigid system that they have. [PP1-758]

The DEIS programme provides additional resources to approximately 657 primary schools and 193 post-primary schools. Research confirms that there is a higher concentration of disadvantage in DEIS schools while also establishing that a significant proportion of disadvantaged students attend non-DEIS schools (Smyth et al, 2015). Participants expressed an awareness of the current system of resource allocation under the DEIS programme and highlighted the fact that the majority of schools in the country are categorised as non-DEIS leaving them with less resources with one participant expressing: *'There is a difference between DEIS and Non-DEIS on what is available to the principal to use to try and improve the situation'* [EWO4-280]. Participants expressed the view that children attending non-DEIS schools present with complex needs but are unable to avail of certain resources under the current system. One participant expressed the opinion that schools can experience different issues under the same categorisation: *'even the DEIS band 1 school down the road is completely different to what goes on here'* [PP1-1242]. While the current system of resource allocation under the DEIS programme is designed to offer the greatest level of support to the most disadvantaged schools across the country, it may be necessary to revise the criteria for receiving funding so that it includes disadvantaged students attending non-DEIS schools. Participants also expressed concern at the withdrawal of specific funding such as the Visiting Teacher for Travellers Service and Resource Teacher for Travellers and the impact that this has had on Traveller education with one participant expressing: *'we work with young Travellers and the attainment gap we would find is getting bigger especially with the withdrawal of the Traveller specific education funding'* [TYW2-64]. While it is

beyond the scope of this research to examine the system of resource allocation to schools, it is essential that the process operates in a way that ensures that the children in most need receive the resources they require regardless of where they attend school.

**Managing school attendance.** Research has shown that the effective management of student attendance is one of the most significant measures for minimising school non-attendance (Cameron, 2004; Malcolm et al, 2003). Failing to initiate procedures that promptly enforce compulsory school attendance may impact on school non-attendance (Eastman, et al, 2007). Participants expressed that the failure to follow up on non-attendance in a timely manner could impact on school non-attendance with one participant expressing:

If there is a family who have notoriously bad attendance which has not been dealt with, you know up to third class, they are so far behind and if we are trying to get them into school in first year we are actually involved in a process of sending them in somewhere to fail [SCC1-645].

It is important to note that all schools in Ireland are required to submit a school attendance report at least twice a year to the EWS which identifies all students that miss more than 20 school days. All schools are now required by law to develop an attendance strategy in order to address school non-attendance in line with guidelines developed by the EWS. While the evidence seems to suggest that the management of school attendance may be a potential factor in addressing school non-attendance, the guidelines on developing attendance strategies should provide a useful tool to assist schools in managing school attendance.

**The education system.** Several of the participants discussed how the education system itself can impact on school attendance and how changes to the system were needed in order to be inclusive of all children. One participant spoke about changing the focus from equality of access to equality of outcome, explaining that if the starting point in education is *'everybody is offered a school place'* [CFCM1-196] then the issues will not be adequately addressed. She expressed the need to think differently and to concentrate on equality of outcome for all students: *'I think the definition of equality of access in the education system, like that is the problem...because it's not about equality of access, it should be about equality of outcome'* [CFCM1-193]. Changing focus from equality of access to equality of outcome is an interesting concept that could bring about change within the education system. Another participant expressed concern about how the education system thinks that it is treating children equally and expressed: *'The system is very much about we treat everybody equally but to treat people the same is not recognising any difference'* [TYCW1-180].

**The complex nature of school non-attendance.** The complex nature of persistent school non-attendance has been long-established in the research literature (Reid, 2002, Corville-Smith et al. 1998, Southwell, 2006; NEWB, 2009; Thornton, 2012; Darmody et al, 2013). Participants reported that factors influencing school non-attendance are complex and multi-faceted and as a result may be difficult to address with one participant expressing *'the needs of children are becoming more complex, all of the time'* [EWO4-416]. It is important to question if the needs of children are becoming more complex or if society has become more aware of children's needs and therefore more conscience of its responsibility. Across all focus groups, participants outlined a

range of factors that could impact negatively on school attendance with several participants suggesting that there may be more than one reason why a child misses school. While the evidence suggests that there are many factors which could potentially impact on school attendance, it highlights the importance of understanding the impact that each factor may have on a student's attendance in order to develop the most appropriate strategies to help improve school attendance.

### **6.3 Theme 2: Intervention Strategies to Improve School Attendance**

The participants were asked to discuss their views on the type of intervention strategies that could be used to improve school attendance. Participants suggested a range of different strategies they believed could have an impact on school non-attendance such as: school attendance strategies, in-school and after school programmes, monitoring school attendance, communication between school and home, creating a positive school environment, building positive relationships, inter-agency cooperation, and referring cases to the Educational Welfare Service (EWS).

#### **6.3.1 School Attendance Strategies**

Under the Education (Welfare) Act 2000, schools are required to develop strategies to encourage regular school attendance in line with guidelines developed by the EWS (NEWB, 2008; Government of Ireland, 2000). All of the participants reported that they work in schools that implement a range of strategies in order to improve school attendance. Participants made the point that it is important to have attendance strategies

with one participant expressing: *'There are clear action plans from the Home School, the class teacher, the principal and back to ourselves {EWO}...attendance strategies'* [EWO2-409]. The participants outlined a number of measures that could be included in an attendance strategy such as: monitoring attendance, keeping parents informed, ensuring regular contact between school and home, organising attendance meetings, pastoral care meetings, educational welfare conferences for children with school attendance issues, developing information leaflets and having a link person in the school responsible for attendance. The participants reported that a school attendance strategy has important elements such as positive leadership, flexibility, creativity, consistency and a coordinated approach with one participant expressing: *'I suppose in any school the strategy has to be spear guarded by the principal and if the principal is positive, you are kind of open to it'* [SEWO1-370]. Developing school attendance strategies could be considered an important element in trying to improve school attendance. In 2016, the EWS issued guidelines to all schools in the country to assist in developing attendance strategies. While it appears that the participants work in schools that already implement a range of school attendance strategies it is beyond the scope of this research to comment on their possible effectiveness.

### **6.3.2 In-School and After-School Programmes**

It has been suggested that rewarding students for good attendance or providing after-school programmes were found to be effective strategies to help increase daily attendance and reduce chronic school non-attendance (Epstein et al, 2002). Research has also shown that children value rewards linked to attendance (Burtenshaw Kenny

Associates, 2012). Participants reported that initiatives such as in-school incentives may have the potential to improve school attendance. Participants outlined a variety of in-school incentives which included: star charts, attendance certificates, medals & prizes for best attendance, talking about attendance each week at assembly and targeting specific days or periods when non-attendance is at its highest level. However, one participant expressed that providing in-school incentives is more challenging at post-primary level as some incentives are more suitable for younger children: *kids are more susceptible...to certificates and medals and stuff like that; it's harder with 14 year olds* [SEWO2-318]. While the assumption behind this comment is that particular incentives are more suitable to younger children, it can also be suggested that certain incentives are more suitable for older children. What is important is that schools develop a range of incentives that are age appropriate. Participants also expressed the view that children who attend school on a regular basis are often eligible for the rewards and incentives which are designed to improve school attendance and can result in difficulties targeting particular children and families *'I suppose the only problem is that a lot of the same children are up for the same thing'* [SCC2-229]. While this may be the case, it highlights the need for schools to provide both universal and individual incentivised programmes for children that are experiencing school attendance difficulties.

Participants reported on a wide range of intervention programmes that could be offered in-school or after-school that have the potential to improve school attendance. These ranged from parenting programmes, homework clubs, breakfast clubs, one-to one educational supports, literacy and numeracy programmes, after-school groups, drama therapy, counselling, life skill coaching, transfer programmes, gradual re-integration

back to school, family mediation services and alternative education programmes. However, participants expressed the need to increase funding and investment in education and suggested that the Government reverse the various educational cuts that have happened over the past number of years with one participant expressing: *'the projects that are in place to retain young people are underfunded and have been cut and cut even further'* [SCC2-678]. While it appears that providing in-school or after-school programmes may assist in improving attendance, it is essential that these programmes are evaluated to measure their effectiveness on reducing school non-attendance.

### **6.3.3 Monitoring School Attendance**

It has been suggested that schools that are more likely to maintain accurate and consistent monitoring systems are more successful in the area of attendance (DES, 2015a). Effective procedures for monitoring attendance were found to be significantly related to reduced levels of absenteeism (Reid, 2012; Schagen et al, 2004). Participants discussed the importance of monitoring school attendance and expressed the view that in some cases this was enough to improve school non-attendance with one participant expressing: *'a lot of the time if you do a print out of absences...they had no idea how much time they missed and that can be enough'* [PPP2-245]. Participants also reported that some schools employ attendance monitors who follow up on school non-attendance. In one example, a participant reported that an attendance monitor was employed across all schools in a particular area which allowed the patterns of non-attendance to be identified across the whole community where siblings attended different schools. Another participant highlighted the importance of monitoring attendance patterns as:

*'Well first up is monitoring and staying on top of it...If they miss three days and we don't know why... we ring to find out, you stay on top of it that way'* [PPP2-160]. The participants reported that monitoring school attendance was the first measure in recognising a school attendance issue and a crucial step in identify and providing interventions as early as possible in order to address the issue before it develops any further. The evidence appears to suggest that monitoring school attendance is a possible strategy that could impact positively on school non-attendance. However, reviewing this through a Foucaultian lens, the school is viewed as an apparatus for observation which assumes responsibility for the surveillance of the student's behaviour and activity, with the ultimate aim of creating new forms of social control and social discipline (Foucault, 1977).

#### **6.3.4 Communication between School and Home**

Research has shown that effective communication enhances school-family partnerships (Nagro, 2015). It has also been recognised that children experience significant educational, social and behavioural benefits as a result of effective partnership between parents and teachers (McCoy et al, 2007; Cox, 2005; Hoover-Dempsey et al, 2002; NCCA, 1999). Participants reported that communication between school and home is an important strategy that has the potential to improve school attendance with one participant stating: *'If there is a consistent message, if a child is not in...Ask the question?'* [SEWO1-400]. Several participants expressed the view that it is important to ensure that school policies are communicated effectively to students and parents. While other participants expressed the importance of the role of the teacher and

the whole school community to ensure that policies are consistently implemented throughout the school. It was suggested that the link between the school, community and home depended on the type of resources available to the school such as the Home School Community Liaison Service and the type of networks they make within the community with one participant expressing: *'I think it also depends on the school sometimes like maybe the Home School or that liaison teacher and how much networking they do'* [WCDM1-628]. However, it was also pointed out that not all schools have this type of support. The participants expressed the view that a lack of resources could impact negatively on the overall effectiveness of the communication process with one participant expressing: *'not having the time or the resources for the Year Head or Home School to engage at the level required'* [EWO3-390]. There are a number of different strategies that can be used to improve communication between school and home which are cost effective and time efficient such as using the school journal or using a text alert system that automatically informs the parent when their child misses school. While communication between school and home may have the potential to influence educational outcomes it is important that schools develop strategies to help improve communication between the school and home.

### **6.3.5 Creating a Positive School Environment**

The impact of the school environment on school attendance has been reported extensively in the literature (Reid, 2010; Claes et al, 2009; Ipsos MORI, 2008; NEWB, 2008; Pellegrini, 2007; Attwood et al, 2006; Harvey, 2003). Creating a positive school environment was considered to be an important strategy for addressing school non-

attendance with participants explaining that it was '*about creating the environment where children want to be*' [PP1-329] and making the '*experience more enjoyable*' [SCC1-1281]. Participants spoke about their own experience as professionals engaging with schools and how the school climate can play a vital role in developing relationships. Participants reported that a positive school environment can impact on parents' engagement with one participant expressing '*Making school accessible for parents...some schools aren't accessible...the parents haven't the confidence to go in*' [EWO2-467]. It would appear that creating a positive environment can have the potential to reduce school non-attendance. However, participants also expressed the importance of acknowledging the parents own experience of school and the influence that power or authority can play on the engagement process. For Foucault, the fundamental issue at the centre of everything is power. So therefore, power is the problem that needs to be resolved (Kritzman, 1990; Deacon, 2002, Foucault, 1977).

### **6.3.6 Building Positive Relationships**

It has been suggested that students are less likely to be absent from school if they experience positive relationships with their teachers (McCarty et al, 2004; Smyth, 1999; Pomeroy, 1999). An important principle underpinning an effective code of behaviour is building positive relationships (NEWB, 2008b). Participants expressed the view that building positive relationships is an important element in dealing with school non-attendance: '*People who work in this area, have to be able to forge good relationships... and building relationships is a key component*' [SCC2-368]. Bronfenbrenner Bioecological theory recognises the importance of building relationships within the

various microsystems in order to influence the child's development (Bronfenbrenner, 1994). Working with other professionals was also seen by the participants as a positive strategy in helping to build good relationships with families with one participant stating: *'It is key if you don't have the relationship with a family that you work in collaboration with the person that does have a good relationship with the family'* [SCC1-383]. While it appears that developing positive relationships could have the potential to influence school attendance, it is important that professionals are mindful of the range of people<sup>36</sup> that some families engage with on a daily basis.

### **6.3.7 Interagency Collaboration**

The importance of multidisciplinary collaboration in addressing school non-attendance has been cited in the research literature (Canavan et al, 2014; SMCI, 2014; John Richards Associates, 2009; Virginia Department of Education, 2005; Lauchlan, 2003). In Ireland all agencies are required by law to work together in the best interest of children (HSE, 2011). In order to address school non-attendance, participants suggested that inter-agency collaboration among children's services was essential but highlighted the importance of ensuring that these services are delivered in a timely fashion. Several participants expressed that services should be provided in and around the school with one participant expressing: *'the school should become the hub of support for the child as they are there every day'* [CFM1-553]. However, one participant cautioned that some young people may have a negative view towards school and recommended providing

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<sup>36</sup> Principal, Teacher, HSCLC, SCP, EWO, project workers, year heads, tutors, social workers, probation officers, youth worker, support workers etc

services that are separate to the school. Another participant recommended developing a model of inter-agency work similar to that used in other countries:

If you look at the Scandinavian model, you know, attendance and retention is very high and that's because in school everything happens. You go and Social Work or Speech Therapy or Occupational Therapy, everything comes to schools rather than having to go out and that is huge for parents. That for me is really good because the school is seen as a holistic support for parents [SCC1-1287]

In 2009, the Department of Education and Skills announced the development of an integrated support service to address student attendance, participation and retention in education. A recent report confirms a strong commitment and shared vision towards this process while also highlighting the importance of strengthening inter-agency collaboration (SMCI, 2014). Participants expressed the view that the recent integrated model of practice (One Child, One Team, One Plan,<sup>37</sup>) is a useful strategy that has the potential to reduce school non-attendance. However, one of the issues identified by the participants is that the OCOTOP programme has not been implemented nationally: *'I think it has formalised our work on attendance as a group, as an integrated service...where it is happening because it is not happening everywhere'* [SCC3-1798]. The OCOTOP programme was under development during the time of conducting this research and has not been implemented across the country. Another issue that was discussed in one of the focus groups centred on the creation of the Child and Family Agency (TUSLA). One participant expressed concern that many children's services

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<sup>37</sup> The One Child One Team One Plan (OCOTOP) is a programme that was designed by the EWS to incorporate all three service strands (Educational Welfare Service, Home School Community Liaison Scheme and the School Completion Programme).

remain outside of the agency and expressed: *'I am flabbergasted that public health nurses and children's mental health isn't in TUSLA, it is a huge error...children's disability services are not in TUSLA'* [CFCM1-519]. Participants expressed that this was a missed opportunity for the development of children's services in Ireland. The evidence indicates that inter-agency collaboration is an important strategy in addressing the needs of children and is a vital component in developing an integrated service to address student attendance, participation and retention.

### **6.3.8 Referring Cases to the Educational Welfare Service**

It has been found that referring students with serious attendance problems to EWOs may help increase daily attendance but it was not necessarily found to be associated with changes in chronic absenteeism (Epstein et al, 2002). In Ireland, school attendance cases have been referred to the EWS since 2003. The latest figures show that in 2014 the EWS supported 2,579 families with general attendance issues and a further 1,282 families with chronic school non-attendance (TUSLA, 2014). Participants expressed the view that there is potential to improve school attendance with the involvement of the EWS. Several participants reported that EWOs work with children when there is no improvement in attendance or with families who do not engage in addressing the school attendance issue. Some participants used the word *'threat'* [PP1-358, PPP3-648, WCDM1-356] while other participants spoke about a balance between consequences and support and used the term *'carrot and stick approach'* [SCC2-269, RM1-853, HSCLC1-420]. From a Foucaultian perspective, this idea is viewed in the context of practices of discipline, constraint, and surveillance with the ultimate aim of

creating new forms of social control and a new economy of the power to punish (Rouse, 1994; Foucault, 1977). While the Education (Welfare) Act 2000 was designed to encourage school attendance it also involves the use of legal sanctions for school non-attendance which may explain the different emphases. While the evidence seems to suggest that the involvement of the EWS has the potential to improve school attendance, it is important that this is investigated from an Irish perspective.

#### **6.4 Theme 3: General Principle of Prosecuting Parents for School Non-Attendance**

Participants were invited to express their views on the general principle of prosecuting parents for the school non-attendance of their children. The majority of participants agreed to some extent with the principle of prosecuting parents for school non-attendance with comments such as *'in principle yes, I think it is the right thing to do in certain circumstances'* [EWO2-634], *'I accept the fact that it needs to be there'* [PPP2-510] and *'I think it has to be there as a last resort'* [HSCLC1-262]. However participants also reported mixed views and doubts regarding this practice with some not agreeing at all with the principle of prosecuting parents, stating that they would not be in favour of bringing any parent to court with one participant expressing: *'I don't think there is any parent who with the right support, resources and capacity wouldn't want their child to be in school...and I can't imagine a situation where prosecution is going to help'* [CCMH1-266]. Such a response indicates an unquestioned subscription to school as the best place to educate children but there are parents throughout Ireland who choose to educate their children outside of the formal education system. The findings are presented under the following headings: the compulsory nature of education requires prosecution, the effectiveness of the prosecution process, the impact of prosecution

procedures, the fear of prosecution in improving school attendance and the suitability of court sanctions.

#### **6.4.1 The Compulsory Nature of Education Requires Prosecution**

Tackling school non-attendance remains a key objective for many governments around the world but the concept of holding parents accountable for school attendance has increasingly become a trend in recent years (Gleich-Bope, 2014; Campbell, 2010; Wright, 2009; Zhang, 2004). In general, some participants supported the principle of prosecuting parents on the grounds that children must attend school by law. Several participants expressed the view that the legal process protects the child's right to education. In the words of one participant: *'I think it is important to uphold the child's right to their education and ultimately that is what we are doing'* [EWO3-624]. A number of participants believed that the prosecution process ensured that parents were held legally responsible for school attendance. However, it was also suggested that the prosecution process should only be used as a last resort and should be part of an overall strategy to improve school attendance, with one participant expressing: *'It is the last tool you have to use to try and engage a young person in school'*, [EWO4-999]. However one participant expressed that it was essential that the issues causing the child to miss school are addressed in the first instance and that it is important to acknowledge that children and families are on waiting lists for many different services: *'I don't think you can see it in isolation, it is part of a whole systems piece...but if the rest of the stuff isn't in place I would find it hard to go down that route [prosecution] with a parent'* [CFCM1-320].

Participants viewed the process of prosecuting parents for school non-attendance in terms of the impact that the non-attendance is having on the child's education: *'It's not the fine or imprisonment, it's the fact they cannot read or write and may have no future...that is the real reason why it needs to be there'* [SEWO2-560]. However, one participant viewed it simply as enforcing the law: *'it is a punishment to a crime'*, [EWO1-721], and other participants expressed the view that school attendance legislation served as a deterrent to parents, comparing it to deterrents for other offences such as driving over the speed limit. In the words of one participant: *'It is probably similar to the penalty point system, it encourages all the people that are doing it right all the time to keep doing it, the fact that it is there'* [PPP2-1010]. While Foucault's theory of panopticism used the architectural structure of a watchtower, it revolutionized the idea of disciplinary power through the technology of surveillance. Metaphorically speaking, in this instance, the legislation and its implementation could be seen to take on the role of the watchtower where parents have the impression of being observed all the time and as a result come to modify their behaviour accordingly (Blackford, 2004; Fludernik, 2017; Foucault, 1977). For some, then, the legislation was about sending a message to parents on the importance of school attendance. However, several participants experienced a moral dilemma when it came to prosecuting parents for school non-attendance, but agreed that in certain circumstances it was the right thing to do with one participant stating: *"morally it's absolutely wrong but in practice it works very, very effectively"* [PPP1-596].

#### **6.4.2 The Effectiveness of the Prosecution Process**

The views on the effectiveness of parental prosecutions vary considerably throughout the literature (Goldstein, 2015; Kendall et al, 2003; Zhang, 2004). While it

has been found that parental prosecution can influence school attendance, it has also been reported that it has no impact on school non-attendance (Wright, 2009; Comptroller & Auditor General, 2005; Halsey, 2004; Zhang, 2004). Participants reported mixed views on the effectiveness of prosecuting parents for the school non-attendance of their children. Participants viewed the prosecution process as offering a means of improving school attendance with one participant expressing: '*there was 1 case I had years ago...he [the father] was convicted and fined and the child was in school and has been in school every day since*' [EWO1-558]. The analysis of the School Attendance Template shows that on average school attendance improved by 18.5% in relation to cases prosecuted during 2011. However, the analysis also confirms that while 18 cases showed an improvement in attendance by over 25%, 13 cases showed an increase of over 25% in school absenteeism. It is important to be cautious when interpreting such results as prosecution is rarely used in isolation.

Participants expressed the view that the prosecution process could be successful on different levels, including improved sibling attendance, providing access to services for the child or family, engaging parents and supporting children in completing examinations. One participant stated: '*We have a girl...who is sitting her Junior Certificate at the moment...if she wasn't brought to court there is no way she would have sat her Junior Certificate*' [SEWO1-796]. This comment is extremely narrow in focus and shows a total disregard to any other factors that could have been responsible for this young person completing her Junior Certificate. It was also reported that the prosecution process can influence parents responses in relation to school non-attendance with one participant stating that he noticed a change after a prosecution had been taken: '*The*

*amount of phone calls we get the day after a prosecution the rumour goes out...they will actually call and suddenly explanations for non-attendance increases' [PPP1-597].*

However other participants did not perceive the link between prosecutions being reported in the media and the increase in school attendance in local communities. While the participants perceived that the prosecution process may be responsible for different levels of success it would be unwise to apportion this success solely to the prosecution process without further analysis.

Alongside the benefits that the participants thought could be achieved from taking a case to court, it was also reported that, in some cases, the prosecution process had little or no impact. One participant stated: *"I actually had a case where a parent served 4 nights in prison and her children were in school every single day while she was in prison and when she came out, they were out again"* [RM1-534]. However, participants outlined a number of factors such as the level of disadvantage or the complex nature of difficulties that some families experience that might explain the lack of positive outcomes. It was also expressed by participants that support services that are offered to families may not be the service that the family needs and should be taken into consideration if a prosecution is to be considered with one participant expressing: *'Not every support that you offer is good for the family...no one asks the family is that the right support for you'* [RCDW1-427]. Another participant expressed the view that the prosecution process could never resolve a particular underlying issue: *'it's not going to solve the underlying issue...prosecution isn't going to solve that'* [RM1-720]. While it was also observed that improvements in school attendance can be short lived and may last only for as long as the case is before the courts. The prosecution process was

considered incapable of changing attitudes to education with one participant stating: *'It does nothing to change the attitude...I have been in court where it has worked and where it hasn't worked...but they still leave school when they are 16'* [EWO4-595]. The existing legislation only requires children to attend school up until the age of 16 so it might be unrealistic to expect the legislation to address such an issue in its current form. It appears there are mixed views towards the purpose of prosecuting parents for the school non-attendance of their children and on the overall impact this strategy may have on improving school attendance. Therefore it may be useful to consider different outcomes when evaluating the effectiveness of such a strategy.

#### **6.4.3 The Impact of Prosecution Procedures**

Research from the UK suggests that a number of issues, such as the time of prosecution, policy and procedural issues or delays in taking a parent to court are factors that can impact on the effectiveness of the prosecution process (Kendall et al, 2003). Similarly, participants reported that factors associated with legal procedures can impact on the practice of prosecuting parents for school non-attendance. The length of time it takes for a case to be brought to court, issues surrounding the compulsory school attendance age, and the lack of consistency when it comes to taking cases to court were considered to have an impact on the practice of prosecuting parents for the school non-attendance of their children. Several participants believed the process was too long with one participant stating: *'it [process] is probably too slow and cumbersome by the time anything actually happens, it's too late'* [PPP2-511]. The analysis of the Summons database reveals that the average time for school attendance cases to proceed to court is

one year and three months. Participants also observed a lack of consistency across the country when it came to the prosecution of parents for school non-attendance which was viewed as creating an unfair and inequitable system with one participant noting that *'some families end up in court and others don't'* [EWO2-645]. While another participant expressed the view that there can even be a lack of consistency across a local community where some families end up in court very quickly and others do not. The Quantitative analysis also confirms a lack of consistency in relation to the issuing of SANs and Summonses across the country which warrants further investigation. Participants believed that there was a pattern emerging in relation to the involvement of particular families within the court system with one participant reporting that different members of the same family were engaged in the prosecution process: *'a lot of the families we deal with, there are cousins and nieces and nephews or aunts or uncles'* [SEWO1-1014].

#### **6.4.4 The Fear of Prosecution in Improving School Attendance**

Research has shown that the fear of prosecution can play a significant role in improving attendance and that the impact was more limited if a parent or student had no fear of prosecution (Crowther et al, 2010). Participants expressed the view that the fear of prosecution can play a role in improving school attendance with one participant stating: *'I think the fear of prosecution does to an extent...there is a fairly broad cohort there that it does make a difference'* [RM1-1074]. The fear of prosecution was also thought to impact on cases with less complex attendance issues or with families that were already involved with the legal system. However, participants reported that in

some cases there is no need to proceed to court as the issuing of the SAN<sup>38</sup> was enough to improve school attendance with one participant expressing: *'well sometimes the SAN works and we don't have to go to court'* [SEWO1-1597]. One participant believed that the fear of prosecution did not play a role in improving school non-attendance. While several participants believed that the fear of prosecution could play a role in improving attendance, it is essential that the views of those affected by such an issue are considered in the first instance before making any such conclusion.

#### **6.4.5 The Suitability of Court Sanctions**

The suitability of particular sanctions for school non-attendance have been reported in the research literature as an issue impacting on the value of the prosecution process (Cordova, 2012; Kendall et al, 2003). While some of the participants supported the principle of enforcing compulsory school attendance, the type of sanction that could be imposed by the court was viewed as restrictive and unsuitable with one participant expressing: *'There has to be a consequence...but my problem is the actual sanctions; fines and imprisonment'* [SSC2-519]. Participants suggested that court sanctions should be linked to child welfare and supervision orders which would identify supports for the family at a more general level. However, some participants suggested that the legislation should include some form of sanction or consequences for children where the parent has tried to ensure that their child attends school with one participant expressing: *'It all boils back to original parenting but if the parent tries to do something...I think there should be some sanction for the child as well'* [SSC2-785]. One participant expressed concern that

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<sup>38</sup> SAN –School Attendance Notice

some parents may be living in fear of their teenage children and the threat of punishment towards the parent does nothing to resolve the situation: *'parents are quite fearful of their teenage child and the threat of a fine doesn't really help the parents in this situation'* [TYCW1-778]. In fact some participants were concerned that the threat of punishment under the legislation could put parents in vulnerable situations and feeling helpless or powerless over their child's school absenteeism. Since the introduction of the Education (Welfare) Act 2000, sanctioning children for school non-attendance has been removed from the legislation. Therefore, in line with Government policy it would be more appropriate to support these children and potentially explore alternative strategies to support them in their education.

#### **6.5 Theme 4: Factors to Consider when Prosecuting a Case**

Participants were invited to express their views on the factors to consider when making a decision to prosecute parents for school non-attendance. Participants listed a range of factors that should be considered when deciding to prosecute a case. These factors are presented under the following headings: case-by-case approach, age of the child, the pattern of non-attendance, parental engagement, and resources implications.

##### **6.5.1 Case-by-Case Approach**

Some research has suggested that each case should be considered on a case-by-case basis as it may be impossible to predict which case would benefit from legal intervention (Croydon Council, 2012; Kendall et al, 2003). Participants advocated a

selective use of the prosecution process in accordance with the individual circumstances of a particular case. Due to the complex factors associated with school non-attendance, participants believed that the prosecution process could be an effective tool but should only be considered on a case-by-case basis, with one participant expressing the view that:

It has to be case by case because they are so individual and the needs are becoming more complex...you have to be sure that you are doing this child justice and at the end of the day the only reason why you prosecute is to get them into school so they have an education. [EWO4-935]

While a case-by-case approach to prosecution is advocated it is important to ensure there are clear and effective procedures in place to ensure that a child's right to education is upheld. Where a decision not to prosecute is made, a plan should be put in place for the continued education of the child.

### **6.5.2 Age of Child**

It has been suggested in the research that the effectiveness of prosecution may be dependent on the age of the child (Kendall et al, 2003). Participants reported that the age of the child was a factor in considering if a case should be prosecuted for school non-attendance. Participants believed that the school compulsory age should be examined to include children less than six years of age. Participants suggested that school attendance legislation should include any student regardless of age with one participant stating: '*we have a huge issue around attendance in junior and senior infants*' [PPP1-744].

Interestingly none of the participants spoke of the need to increase the upper school attendance age. The process of selecting cases based on age appeared to create a

struggle for some participants with one participant expressing: *'Age is a factor in the majority of cases...you could argue that you have more impact when they are 7 years of age but what does that say to the 15 year old'* [SEWO2-728]. However should age be a factor in considering whether a case should be prosecuted for school non-attendance if the child falls within the age criteria of the legislation?

### **6.5.3 The Pattern of Non-Attendance**

Participants expressed the view that while attendance figures are useful in highlighting a potential issue, it is essential to investigate the pattern of non-attendance when considering a prosecution. The level of non-attendance was also described as an important factor to consider when prosecuting a parent, with one participant expressing the opinion that once the non-attendance reaches a high level it is *'nearly pass the point of no return, they [children] have stopped engaging'*, [SSC4-892]. While this view may seem a little defeatist it could highlight the importance of supporting children with attendance difficulties as early as possible. Participants spoke about the importance of monitoring the improvement in attendance with the individual child or family in mind: *'There needs to be a middle ground...they are still missing 20 days but last year they missed 80...that is an improvement for that particular child'* [SSC3-928]. While this statement highlights the issue of 'good enough' attendance it also reveals the importance of considering individual circumstances. However, it raises a much more significant question: who makes that decision?

### **6.5.4 Parental Engagement**

The failure of parents to engage in addressing school attendance issues was reported by participants as a justification for prosecution. The type and level of parental

engagement was an important factor in considering prosecution with one participant raising a series of questions: *'Is that parent colluding with the behaviour...did the parent turn up to the parent teacher meeting...did the parent put in sanctions'* [SEWO2-857]. This comment appears to be narrowly focused occupying a judgemental position. It places blame directly towards the parent without considering factors outside of their control. One participant suggested that the issue of parental engagement seemed to be placed solely onto the parent's shoulders when there was a clear role for schools and other agencies to address this matter: *'it is not just the parent's responsibility to engage it is the schools responsibility'* [TYCW1-1042]. Another participant felt that in some instances the issue of non-engagement could be used as an easy excuse against a parent without taking into consideration factors such as language barrier. Participants viewed the prosecution process as another opportunity to engage with a parent in addressing the school attendance issue with one participant expressing: *'I think for me it's more sometimes, like getting the parents to the table'* [HSCLC1-278]. This comment could be viewed as an extreme measure in order to try and engage with parents. In the eighteenth century, Foucault described a shift which was part of a complex mechanism, embracing stricter methods of surveillance and an extension of punitive measures in an effort to adjust the mechanisms of power that frame the everyday lives of individuals (Foucault, 1977). Participants also reported that in certain circumstances prosecution would not be an appropriate response with one participant expressing: *'I think it is very difficult to bring anyone to court who is trying to engage or trying to work with the school'* [PPP1-869]. It is important to note that the legislation includes this as a reasonable defence and should therefore be considered in all cases where a decision to prosecute is being made.

### **6.5.5 Resource Implications**

Several participants reported that the prosecution process requires a certain level of resources which was a factor in considering prosecuting a parent for school non-attendance with one participant stating: *'I think the biggest issue for me around prosecution is my capacity...if you had more people on the ground'* [EWO3-814]. If this were the case, would this result in more prosecutions? In 2007 the EWS employed approximately seventy-three EWOs across the country to deal with school attendance matters. There was a moratorium on recruitment in the public sector throughout this time and in 2009/2010 the number of EWOs dropped to approximately fifty-three. In late 2015, the moratorium was lifted and there are approximately seventy EWOs employed. Participants expressed concern that prosecuting a case can be expensive due to the time required to prepare the case along with the cost of legal fees with one participant expressing: *'I think if you did a cost benefit analysis, I think it is the biggest waste of money...put it into something else'* [SCC2-420]. To date there has been no cost benefit analysis conducted on school attendance prosecutions and it is outside the scope of this research.

## **6.6 Theme 5: Court Sanctions and Outcomes**

Participants were invited to express their views on the sanctions imposed for school non-attendance. The majority of participants agreed to some extent with the principle of prosecuting parents for school non-attendance but were critical of the sanctions imposed. The findings are presented under a number of headings which explore the participants' subjective interpretations: inconsistencies with the court

process, court fines, alternative court sanctions, community service and linking attendance to child benefit.

### **6.6.1 Inconsistencies with the Court Process**

Research from the UK suggests that a lack of understanding in relation to school non-attendance as well as inconsistencies in relation to the sanctions imposed by the courts were viewed as issues that could impact on the court process (Kendall et al, 2004). Participants expressed the view that a lack of consistency in relation to court sanctions could undermine the potential impact of such actions. Participants expressed the view that the court had a limited understanding of the education system and suggested that the sanctions imposed across the country were inconsistent. While some of the participants may have presented this view it is important to note that there is currently no empirical data to support this claim. It could also be said that the judiciary may have a different opinion on the matter. One participant expressed it was important to have a level of discretion in relation to court sanctions and suggested this could impact positively on school attendance. Participants remarked that the legal system was bureaucratic and often time-consuming due to the element of adjournments. One participant explained that this may lead to cases '*dragging on*' [EWO1-1131], while another participant believed the approach could be beneficial as it would "*give them [student] an opportunity to improve*" [PP1-1124]. While the participants present some interesting feedback in relation to adjournments it would be sensible to avoid drawing any conclusions until further analysis is carried out. Participants regarded the issuing of bench warrants by the courts unsuccessful and ineffective with one participant

expressing: *if a bench warrant is issued, it is so hard to get it even executed*<sup>39</sup>, [EWO2-1405]. While another participant remarked: *'the system isn't working'* [SSC4-1414]. The analysis of the summons database found that 1.5% of cases before the courts on school non-attendance matters had an outstanding bench warrant.

### 6.6.2 Court Fines

Research from the UK found that fines are the most common sanction imposed for school non-attendance (Kendall et al, 2003). However, inconsistencies in court outcomes, namely low fines arising from prosecutions were felt to undermine the potential impact of legal intervention (Crowther et al, 2010). Participants raised a number of issues in relation to court fines imposed for school non-attendance. In general there were mixed views in relation to the use of fines for school non-attendance. Participants expressed the view that court fines for school non-attendance were not high enough with one participant expressing: *'definitely the fines here are not high enough'* [SSC4-1297]. Other participants believed that court fines did not matter with one participant expressing: *'I don't think fines are relevant'* [PPP3-1088] while another said: *'imprisonment and fines, that doesn't matter'* [EWO3-1321]. Participants reported that in some cases, parents were unable to afford to pay the fine in the first place and increasing the amount could lead to more parents being prosecuted for the non-payment of a fine. Some participants expressed the view that the court fine could be linked to *'attachment of earnings, social welfare'*, [SEWO2-1095] or *'deducted from source'* [PPP3-1098]. Legislation known as the Fines (Payment and Recovery) Act 2014 was

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<sup>39</sup> Once a bench warrant has been issued by the court it is the responsibility for the Gardai to follow up and bring the person to court. This is known as executing the bench warrant

introduced in Ireland in January 2016 which provides for different methods of payment and recovery of fines and the substitution of community service orders. Introducing a lower level fine was viewed as a better option by some participants. The analysis of the Summons database found that between 2007 and 2013, 30% of parents received a fine for the school non-attendance of their child.

### **6.6.3 Alternative Court Sanctions**

In order to try and resolve difficulties associated with school non-attendance, a number of strategies were developed and implemented in the UK and the USA as alternatives to court sanctions (Crowther et al, 2010; Virginia Department of Education, 2006; Halsey et al, 2004). Participants questioned the type of sanctions available to the Irish courts under the current legislation for dealing with school non-attendance. Participants were critical of the restrictive nature of imposing fines and questioned the appropriateness of sending a parent to prison for school non-attendance matters. One participant expressed concern that the punitive nature of the legislation can have a devastating impact on the whole family: *'The pressure that you put parents under by the threat of punishment to force the child into school adds to the pressure within the family and increases the levels of anxiety for everyone'* [CCMH1-741]. Several participants expressed the view that the court should be allowed use different sanctions such as *'compulsory parenting courses'*, [RM1-1006, YCW1-1121, SEWO1-1354], *'supervision orders'*, [YCW1-1111], or *'compulsory service engagement orders'* [SEWO2-1127]. Participants suggested that these types of court ordered sanctions could be tailored to meet the needs of the child or family which may be a more appropriate way to deal with

school non-attendance, rather than the use of fines or imprisonment. It was also suggested in one of the focus groups that it might be too late to introduce such programmes when a case was before the court and questioned the impact such programmes could have on improving school attendance at that stage. Another participant suggested that instead of the court using punitive measures for school non-attendance it should use other kinds of approaches that were more positive: *'you wonder if there was some other kind of sanction that was more positive...some kind of educational piece'* [FSC1-711]. The analysis of the Summons database found that 44% of cases brought to court for school non-attendance resulted in no penalty being imposed on the parent as the case was either dismissed or struck out<sup>40</sup>. While it appears that there are mixed views in relation to the impact that court sanctions can have on school attendance it may be appropriate to examine alternative court sanctions from an Irish perspective.

#### **6.6.4 Community Service**

Community service is a sentence imposed by the court as a direct alternative to a custodial sentence which is under the direction of the Probation Service (Probation Service, 2016). Participants suggested that community service could be used as an alternative to imposing a fine or a prison sentence with one participant expressing: *'my problem is the actual sanctions, fines and imprisonment; I think community service or something would be better'* [SSC2-527]. One participant reported that community service was imposed in one of her cases, but was unaware if it was carried out:

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<sup>40</sup> There was no data on the reasons cases were either struck out or dismissed from court.

*'remember...last year, the dad got community service; I wonder if he ever did it'*

[SEWO1-1332]. Participants thought that this may be a problem with this approach and questioned who had overall responsibility for this. Recently the legislation has changed in Ireland and community service orders may be imposed for the non-payment of fines. While the participants had questions about responsibility for community service it is clear that the Probation Service plays a significant role here, so this should not present as an issue.

### **6.6.5 Linking Attendance to Child Benefit**

Participants expressed the view that school non-attendance should be linked to the payment of child benefit. One participant expressed: *'it wouldn't suit all families but financial penalties linked to child benefit or something like that'* [SEWO2-660] while another said: *'start deducting their social welfare payments...maybe more children's allowance than your weekly social welfare payments'* [SCC12-949]. Another participant also expressed: *'I think there has to be some form of fine or withholding of social welfare'* [PPP3-648]. There were mixed views in relation to this suggestion with some participants offering the view that it would improve school attendance and others expressing concerns that it would impact on the most vulnerable people in society and impact directly on children. The majority of participants expressed the opinion that school non-attendance should not be linked to other social welfare payments such as weekly payments. However, one participant suggested that child benefit was deducted in other countries as a strategy to improve school attendance and questioned this approach: *'I am saying in one breath that the fine doesn't work but the fine is 3 years down the*

*road...but I think the bit of like your weekly money'* [TYCW1-721]. She continued the discussion by expressing: *'I am just saying there are models out there and I can see the problem with it but it can do no more harm'* [TYCW1-726]. While there are merits at examining other models in different countries, the comment could be viewed as inconsiderate to suggest that targeting a person's weekly income can do no more harm. This view may also be considered harsh or insensitive as it could have the greatest impact on the most vulnerable children in society however it appears from the media that this approach is attracting support. When there is a real danger that children could be directly affected by such an approach, it is essential to proceed with caution.

## **6.7 Conclusion**

To further develop an understanding regarding the practice of prosecuting parents for the school non-attendance of their children a number of focus groups were conducted across the country. The findings from this Qualitative phase were organised under a number of general themes which included (1) Reported Factors Associated with School Non-Attendance; (2) Intervention Strategies which can Improve School Attendance; (3) General Principle of Prosecuting Parents for School Non-Attendance; (4) Factors to Consider when Prosecuting a Case; and (5) Court Sanctions and Outcomes. Under each of the general themes a number of sub-themes emerged and are presented throughout. However, while the focus groups may represent a small sample size the findings complement the findings from the Quantitative strand of this research and assist to further develop our understanding regarding the practice of prosecuting parents for the school non-attendance of their children from an Irish context.

## CHAPTER SEVEN: RECOMMENDATIONS AND CONCLUSIONS

### 7.1 Introduction

This thesis examined the prosecution of parents for the school non-attendance of their children in Ireland. It explored trends and patterns in relation to prosecutions made under the Education (Welfare) Act 2000, between 2006 and 2013. It also examined the perceptions of educational professionals and parent representatives in relation to the prosecution of parents for the school non-attendance of their children. This chapter presents conclusions from the main findings of the inquiry and makes recommendations for improvements in policy, practice and research. As mentioned in the introductory chapter, no research to date has been carried out on the prosecution of parents for the school non-attendance of their children through the Irish Courts. This thesis is the first to investigate that field, although it is confined to those cases where legal proceedings have been initiated by the EWS against a parent for “*failing or neglecting*” to send their child to school (Government of Ireland, 2000; 22). The main findings of the research are presented under the following headings:

- (1) Similar Patterns in the SAN and Summons Data;
- (2) Prosecutions for School Non-Attendance Remain Comparatively Low;
- (3) Legal Proceedings are Increasing Year on Year;
- (4) Legal Proceedings are More Likely to be Issued in Respect of Older Children;
- (5) Legal Proceedings are More Likely to be Issued to Parents of Children Attending DEIS schools;
- (6) Mothers are More Likely to be Prosecuted than Fathers;

- (7) Regional Differences in Relation to Legal Proceedings;
- (8) Change in School Attendance Following Prosecution;
- (9) The Reported Factors Associated with School Non-Attendance;
- (10) Intervention Strategies which can Improve School Attendance;
- (11) Mixed Views Regarding the Principle of Prosecuting Parents for the School Non-Attendance of their Children;
- (12) Factors to Consider when Prosecuting a Case; and
- (13) Court Sanctions and Outcomes.

## **7.2 Main Findings**

This thesis examined the practice of prosecuting parents for the school non-attendance of their children in the Irish context. The aim of the inquiry was to conduct an in-depth analysis of all legal proceedings and prosecutions relating to school non-attendance initiated by the EWS between 2006 and 2013.

### **7.2.1 Similar Patterns in the SAN and Summons Data**

Analysis of the SAN and Summons data shows similar patterns with regard prevalence and frequency with only a slight variation. For example, 57% of SANs and 56% of Summons were issued in respect of children attending post-primary school, and

55% of SANs and 54% of Summons were issued in respect of children attending DEIS schools.

### **7.2.2 Prosecutions for School Non-Attendance Remain Comparatively Low**

The analysis of the SAN and Summons data confirms that 24.5% of cases progressed from stage 1 of the legal process (SAN) to stage 2 of the process (Summons) which indicates that the majority of parents issued with a SAN between 2006 and 2013 were not prosecuted by the EWS for the school non-attendance of their children.

### **7.2.3 Legal Proceedings are Increasing Year on Year**

The findings show a general increase, on a yearly basis, in the number of parents facing legal proceedings (i.e., SAN and Summons) for the school non-attendance of their children, with one exception where a decrease was recorded in relation to the issuing of Summonses, namely, in 2012. This trend is also evident in the UK (Crowther et al, 2010; Vasagar et al, 2011) and in the USA where there is an increase in the number of criminal proceedings against the parents of truant children (American Bar Association, 2012).

### **7.2.4 Legal Proceedings are More Likely to be Issued in Respect of Older Children**

The findings from this research confirm that a total of 69% of SANs and 73% of Summonses were issued by the EWS in relation to children aged between 12 and 16 years of age. The analysis also shows that between 2006 and 2013 nearly 25% of all

SANs and Summonses issued by the EWS related to children that were 14 years of age. This finding corresponds to the findings of a study conducted in England which suggests that the majority of parents who have been prosecuted for failing to send their child to school are prosecuted for “offences” that concern children who are predominantly in Year 10 (Taylor, 2012).

### **7.2.5 Legal Proceedings are More Likely to be Issued to Parents of Children**

#### **Attending DEIS Schools**

Analysis of the data shows that 55% of all SANs and 54% of all Summonses were issued to parents of children attending schools under the DEIS programme. Only 1% of SANs and Summonses were issued in relation to children attending DEIS Primary Schools in rural areas. However, 30% of SANs and 31% of Summonses were issued in relation to children attending DEIS Post-Primary schools. The research literature shows that in 2009/2010 and 2010/2011 there was a considerable difference in twenty-day absences between DEIS and NON-DEIS schools with DEIS schools reporting higher non-attendance overall (Millar, 2013). Due to the higher levels of non-attendance reported in DEIS schools, it may not be surprising to expect that more SANs and Summonses are more likely to be issued to children attending DEIS schools.

### **7.2.6 Mothers are More Likely to be Prosecuted than Fathers**

The findings show that 69% of SANs and 74% of Summonses were issued to parents between 2006 and 2013. However, when the data is further analysed it is clear

that 64% of SANs were issued to mothers and 36% were issued to fathers. This pattern continues when it comes to the issuing of Summonses. In total, 61% of summonses were issued to mothers as opposed to 39% to fathers. However, it is worth noting that the legislation in Ireland regarding custody and guardianship was recently changed (an unmarried father will now have automatic guardianship if he has lived with the child's mother for 12 months, including at least 3 months following the child's birth). However it is much too early to assess what impact this may have going forward. Research from the UK also confirms that school attendance legislation disproportionately burdens mothers, where women make up two thirds of all parents sentenced for school attendance offences in England and Wales (Kendall et al, 2003; Donoghue, 2011).

### **7.2.7 Regional Differences in Relation to Legal Proceedings**

The findings from this research confirm that there are regional differences in relation to the issuing of both SANs and Summonses between 2006 and 2013. Both Dublin City and Leinster North Regions issued the least amount of SANs and Summonses, while the Munster Region issued the highest level for both. Participants in the focus groups also observed a lack of consistency across the country when it came to the prosecution of parents for the school non-attendance of their children which was viewed as creating an unfair and inequitable system with one participant noting that *'some families end up in court and others don't'* [EWO2-645].

### **7.2.8 Change in School Attendance Following Prosecution**

The research findings confirm that on average school attendance improved by 18.5% following prosecution in 2011. The findings also reveal that 18 cases had an overall improvement in school attendance over 25% with 3 cases reporting an

improvement over 86%. The findings also reveal that 13 cases reported an increase in school non-attendance over 25% with 2 cases reporting an increase in non-attendance over 70%.

### **7.2.9 The Reported Factors Associated with School Non-Attendance**

The findings from this research show that participants were of the view that student, family, school and systems factors were associated with school non-attendance. While both the educational professional and the parent representative focus groups discussed factors associated with school non-attendance across all four factors, the parent representative groups were more critical in relation to factors associated with schools with one participant expressing: *‘Often I have sat outside the principal’s office and felt really intimidated and I am there in the capacity of a worker, so imagine if your literacy is poor or English is not your first language’* [TYCW1-993]. Some of the factors that participants reported in relation to student factors associated with school non-attendance included age, physical and mental ill-health, special educational needs, social isolation, literacy and numeracy skills and ethnicity. The participants also reported family factors associated with school non-attendance which included parental mental ill-health, the quality of parenting, the value placed on education at home, poverty and alcohol and drug addiction. However, the parent representative focus group challenged the issue regarding the lack of parental participation, with one participant expressing: *‘There is a power differential, no matter what you say...it is not just the parent’s responsibility to engage, it is the schools responsibility as well’* [CFCM1-1040]. Some of the reported factors associated with the school included school climate, teacher-pupil relationship,

curriculum difficulties, school size level and type. The systems factors reported by the focus groups included generational patterns of truancy, allocation of resources, managing school attendance, the education system and the complex nature of school non-attendance more generally. The parent representative focus group challenged the impact that the education system has on school absenteeism more than what the educational professionals did with one participant expressing '*The system is very much about we treat everybody equally but to treat people the same is not recognising any difference*' [TYCW1-180].

#### **7.2.10 Intervention Strategies which can Improve School Attendance**

The focus group participants discussed a number of intervention strategies that they believed could improve school attendance. These included things such as developing school attendance strategies, providing in-school and out of school programmes, continue to monitor school attendance, having an effective communication process between school and home, creating a positive school environment, building positive relationships, interagency collaboration and continue referring cases to the EWS. However, the parent representative focus group was more critical that various children's services remain outside of the newly established Child and Family Agency (TUSLA) and expressed that it was a missed opportunity for the development of children's services in Ireland.

#### **7.2.11 Mixed Views Regarding the Principle of Prosecuting Parents for the School Non-Attendance of Children**

There were mixed views regarding the principle of prosecuting parents for the school non-attendance of their children. Several participants expressed the view that the

legal process protected the child's right to an education but some participants spoke of a moral dilemma with regard prosecuting parents. The likely impact of the prosecution process given the length of time it takes, the relatively high cut off point for compulsory school attendance, and the perceived lack of consistency were viewed by participants as influencing the practice. Another issue that was discussed was the restrictive nature of the sanctions that could be imposed by the courts.

### **7.2.12 Factors to Consider when Prosecuting a Case**

Most of the participants advocated a selective use of the prosecution process, which takes account of the individual circumstances of the case. Several of the participants suggested that the compulsory school attendance age be examined to include children below the age of six. Some participants also suggested that the pattern of non-attendance and parental engagement were factors in considering prosecution. The expensive nature of the prosecution process was noted with some participants expressing the view that the money should be diverted into preventative measures rather than prosecuting parents for the school non-attendance of their children.

### **7.2.13 Court Sanctions and Outcomes**

There were mixed views in relation to the use of fines for school non-attendance and participants expressed concern over the type of sanctions available to the Irish courts, under current legislation, for dealing with school non-attendance. The majority of participants were critical of the restrictive nature of imposing fines and questioned the

appropriateness of sending parents to prison for school non-attendance. One of the participants in the parent representative group highlighted the unintended consequences of using legal measures on the whole family and expressed; *‘The pressure that you put parents under by the threat of punishment to force the child into school adds to the pressure within the family and increases the level of anxiety for everyone’* [CCMH1-741]. Several participants also had mixed views in relation to linking school attendance to child benefit with some offering the view that it would improve school attendance while others expressed concern that it would have a negative impact on the most vulnerable people in society, directly affecting children. However, it is worth noting that one of the participant in the parent representative group also suggested examining linking attendance to child benefit as a strategy to improve school attendance.

### **7.3 Recommendations**

The following section will outline a number of recommendations under the following headings:

- (1) Policy;
- (2) Practice, and
- (3) Research

#### **7.3.1 Policy**

The main findings of the research should be of interest to policy makers, managers and practitioners within the area of school non-attendance as it is the first time

research has been conducted in relation to the prosecution of parents for the school non-attendance of their children, through the Irish Courts. The research findings offers an insight into the practice of prosecuting parents for the school non-attendance of their children in Ireland and could be used to inform policy and practice going forward.

Further, the findings from this research study would suggest that there is a need to review the definition of “child” within the meaning of the Education (Welfare) Act 2000. Currently the definition of a child under the Act is: “A person resident in the Irish State who has reached the age of 6 years and who- (a) has not reached the age of 16 years, or (b) has not completed 3 years of post-primary education, whichever occurs later, but shall not include a person who has reached the age of 18 years” (Government of Ireland, 2000). Several of the focus group participants suggested that the legislation should be reviewed to include children below 6 years of age. While it is important to note that the Qualitative element of this research is small in scale, making it difficult to arrive at general conclusions, there is independent evidence to confirm that approximately 40% of 4 year olds and virtually all 5 year olds attend primary school in Ireland (DES, 2014). Also the Special Rapporteur recommended that the EWS should be allowed to intervene with parents of children under six to facilitate earlier intervention in addressing issues of school absenteeism.

Under the Educational (Welfare) Act 2000 there are two broad sanctions that the Irish Courts can impose on a parent namely, a fine or a custodial sentence. While the Quantitative findings of this research confirm that between 2006 and 2013, 44% of

parents did not receive a penalty for the school non-attendance of their child, 48% of parents did. The findings also show that 5% of parents received a custodial sentence while 62% of parents received fines ranging between €200 and €700. It is clear to see that a high percentage of parents have been impacted financially and a number of parents have received a custodial sentence under Ireland's school attendance legislation. Several participants expressed the view that the court should be allowed use different sanctions such as '*compulsory parenting courses*', [RM1-1006, YCW1-1121, SEWO1-1354], '*supervision orders*', [YCW1-1111], or '*compulsory service engagement orders*' [SEWO2-1127]. Furthermore, following a review in 2013 of Ireland's school attendance legislation, the Special Rapporteur recommended that a system of Education Supervision Orders should be considered. The international literature regarding the prosecution of parents for the school non-attendance of their children shows that different approaches have been implemented in other countries, such as truancy prevention programmes, mediation and Parental Responsibility Measures which are viewed as successful in addressing the issues of school non-attendance in certain cases. The current legislation is over 16 years old and it might now be time to ask the question what do we want our school attendance legislation to achieve? It is recommended that the sanctions under the Education (Welfare) Act 2000 should be reviewed to establish if alternative approaches could be used instead of the use of fines and imprisonment.

Currently in Ireland, the law relating to guardianship and custody was recently changed (Children and Family Relationship Act 2016). This law gives automatic guardianship to unmarried fathers who have lived with the mother of the child for a certain period of time. It is recommended that close attention be given to the

implementation of this Act to establish if it will make any difference to the overrepresentation of women being prosecuted for the school non-attendance of their children in Ireland. If the Act does not resolve the current situation regarding the overrepresentation of mothers in school attendance prosecutions further steps should be taken to ensure that mothers are not disadvantaged in law based solely on their gender.

### **7.3.2 Practice**

The information collected by the EWS on all legal prosecutions is important and necessary from both a research and an operational point of view. Currently the EWS collects and records information in 2 different databases (SAN and Summons) year by year. I would recommend that the EWS develop one legal database where all information is recorded and stored, essentially combining the SAN and Summons databases together. This should make it easier to retrieve data on legal cases for the purpose of analysis or for preparing reports. However, I would also recommend some additions to the recording of data. The information that I am suggesting includes the gender of parent, gender of child and DEIS/NON-DEIS status. Furthermore, the school attendance details in relation to prosecutions should be recorded on the legal database, which would provide instant data on the changes in school attendance in relation to cases in the court system.

I would recommend that the EWS consider reviewing and implementing on a national basis the One Child One Team One Plan (OCOTOP) programme. This programme could act as a time focused intervention strategy for the purpose of school non-attendance cases. The participants in the focus group identified that the programme

was not implemented nationally with one participant expressing: *'I think {OCOTOP} has formalised our work on attendance as a group, as an integrated service...where it is happening because it is not happening everywhere'* [SCC3-1798]. Similar programmes have been implemented in other jurisdictions and there is evidence to suggest that these programmes were often enough to facilitate an improvement in attendance and therefore remove the need to progress to prosecution (Halsey et al, 2004; Crowther & Kendall, 2010).

### **7.3.3 Research**

This research is the first of its kind to investigate the practice of prosecuting parents for the school non-attendance of their children under the Education (Welfare) Act, 2000. As part of the research, this study explored the views and opinions of a number of key professionals with experience in this area. Although parents' and children's voices were included indirectly through the participation of groups such as a family support agency, youth and community groups, a women's development project and a mental health organisation, it is recommended that further research should include the actual voices of parents and children as opposed to a mediated voice in order to acquire a complete understanding of the practice of prosecuting parents for the school non-attendance of their children, through the Irish Courts.

The research findings confirm that there are regional differences in relation to the issuing of legal proceedings for school non-attendance across the country. The Quantitative findings show that the Dublin City and Leinster North Regions issued the least amount of SANs and Summonses, while the Munster Region issued the highest

level for both. Also participants in the focus groups observed a lack of consistency when it came to the prosecution of parents for school non-attendance of their children which was viewed as creating an unfair and inequitable system. However participants also advocated a selective use of the prosecution process in accordance with the individual circumstance of a particular case. It is therefore recommended that further investigation into the regional differences is required, and that the EWS examine the process of how cases are selected to go forward for prosecution in order to develop guidelines for practice.

#### **7.4 Implications for the EWS**

As already discussed, this is the first time that research on the prosecution of parents for the school non-attendance of their children under the Education (Welfare) Act 2000 has taken place. The findings contribute to the overall debate and include, for the first time, an Irish perspective. While this research study is small in scale it will allow a baseline from which further research can be undertaken. The findings confirm that the issuing of legal proceedings for school non-attendance is increasing year after year. Therefore, it is important that the EWS examine current practice regarding the prosecution of parents for the school non-attendance of their children, in line with the research findings. The findings reveal that there were mixed views on the effectiveness of prosecuting parents for the school non-attendance of their children. While the analysis of the School Attendance Template confirms that on average school attendance improved by 18.5%, it also confirms that there was a substantial increase (over 25%) in school absenteeism in 13 cases and substantial increase in school attendance in 18 cases. While it is difficult to apportion an increase or a decrease in school attendance

exclusively on the prosecution process, the findings provide evidence that school attendance changed in a number of cases (negatively or positively) following prosecution in 2011. However, it is important that this is investigated further, in order to fully develop our understanding in relation to the practice of prosecuting parents for the school non-attendance of their children. The findings also provide an opportunity to compare the practice of prosecuting parents for the school non-attendance of their children in Ireland with the practice in other jurisdictions which should assist in developing best practice within this area.

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**Appendix A**  
**Consideration for Prosecution Report**  
**[Child's Name]**

**Biographical Details**

**Child's name:**

**Address:**

**Age:**

**Date of Birth:**

**Parent's names:**

**Mother:**

**Address:**

**Father:**

**Address:**

**Family Composition/ Age**

**Siblings:**

**Educational Information**

**Name and Address of school:**

**Roll Number:**

**Name of School Principal:**

**Current class:**

**Date of Referral to the Educational Welfare Service of The Child and Family Agency**

**Referral agent:**

### **School Attendance Profile**

#### **Attendance Pattern:**

**2013/2014:**

**2014/2015:**

**2015/2016**

**2016/2017:**

### **Legal Documents Issued**

#### **School Attendance Notice Issued:**

**School Attendance Notice Revoked:** (Delete if not appropriate)

**2<sup>nd</sup> School Attendance Notice issued:** (Delete if not appropriate)

**Days absent since breach of School Attendance Notice:**

### **School Interventions with Family**

- Letters to parents
- Home visits by school personnel
- Parents invited into school
- Reduced / flexible timetable
- Counselling support
- Resource support
- Referral to NEPS
- Referral to HSE/CAMHS

### **EWS interventions with family**

- Home Visits:
- Letters:
- Telephone calls
- Referral to Duty Social Work Service
- Met with parent at EWS office to discuss supports around getting Johnny back to school.
- Liaison with school on a regular basis over concerns presented in the case.
- Organised educational welfare conference

**Other Support Agencies involved with family**

- Duty Social Work Service or allocated social worker
- CAMHS
- Gardai
- NEPS
- Probation
- Courts

**Background**

**History of referral to EWS**

**EWS / EWO Assessment**

**Conclusion**

**Important to finish off by stating why/how you formed the opinion that the parents are failing or neglecting to cause their child to attend school.**

**EWO Signature:** \_\_\_\_\_

**Date:**

Educational Welfare Officer

**SEWO Signature:** \_\_\_\_\_

**Date:**

Senior Educational Welfare Officer

**R.M. Signature:** \_\_\_\_\_

**Date:**

Regional Manager

## Appendix B: Garda Prosecutions from 1942 to 1991

The following table contains statistical data from 1942 to 1991 in relation to Garda prosecutions for non-school attendance, under the School Attendance Act 1926. The information was contained in the yearly reports of the Commissioner of the Garda Síochána on Crime, 1942-1991 ([www.garda.ie](http://www.garda.ie), 2013).

<b>Year</b>	<b>No. Of Prosecutions</b>	<b>Charge withdrawn or Dismissed</b>	<b>Convictions</b>	<b>Charge Proved and Order Made without Conviction and Probation of Offenders Act applied</b>	<b>Adjourned or otherwise Disposed of</b>
1942	11,566	1,023	8,360	2,118	55
1943	11,794	884	8,651	2,190	69
1944	12,848	1,020	9,412	2,353	64
1945	11,800	847	8,664	2,266	23
1946	8,193	591	5,928	1,669	5
1947	9,343	565	6,657	2,121	0
1948	8,018	551	5,585	1,882	0
1949	6,756	384	4,701	1,669	2
1950	6,305	389	4,360	1,555	1
1951	6,122	NS <sup>41</sup>	4,312	1,494	NS <sup>42</sup>

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<sup>41</sup> No statistics available

<sup>42</sup> No statistics available

1952	5,139	NS <sup>43</sup>	3,511 <sup>44</sup>	1,359 <sup>45</sup>	NS <sup>46</sup>
1953	4,457	NS <sup>47</sup>	3,121 <sup>48</sup>	1,106 <sup>49</sup>	NS <sup>50</sup>
1954	3,798	NS <sup>51</sup>	2,589 <sup>52</sup>	922	NS <sup>53</sup>
1955	3,909	NS <sup>54</sup>	2,787 <sup>55</sup>	790	NS <sup>56</sup>
1956	3,928	NS <sup>57</sup>	2,850 <sup>58</sup>	786	NS <sup>59</sup>
1957	3,153	NS <sup>60</sup>	2,170 <sup>61</sup>	787	NS <sup>62</sup>
1958	3,307	NS <sup>63</sup>	2,285	720	NS <sup>64</sup>
1959	2,962	NS <sup>65</sup>	NS <sup>66</sup>	NS <sup>67</sup>	NS <sup>68</sup>
1960	2,903	179	2,145	544	35

<sup>43</sup> No statistics available

<sup>44</sup> Fines were imposed on 3,502 cases and in 8 cases the children were sent to a reformatory school

<sup>45</sup> The children in 137 cases were sent to an Industrial School

<sup>46</sup> No statistics available

<sup>47</sup> No statistics available

<sup>48</sup> All convictions were fines

<sup>49</sup> Children in 36 cases were sent to Industrial Schools

<sup>50</sup> No statistics available

<sup>51</sup> No statistics available

<sup>52</sup> Children in 23 cases were sent to Industrial Schools

<sup>53</sup> No statistics available

<sup>54</sup> No Statistics available

<sup>55</sup> All but 3 were fines. In 22 cases the children were sent to Industrial Schools and 3 to Reformatory Schools

<sup>56</sup> No statistics available

<sup>57</sup> No statistics available

<sup>58</sup> 32 children were committed to approved schools

<sup>59</sup> No statistics available

<sup>60</sup> No statistics available

<sup>61</sup> All cases received a fine, 27 children were committed to approved schools

<sup>62</sup> No statistics available

<sup>63</sup> No statistics available

<sup>64</sup> No statistics available

<sup>65</sup> No statistics available

<sup>66</sup> No statistics available

<sup>67</sup> No statistics available

<sup>68</sup> No statistics available

1961	3,219	154	2,303	667	95
1962	3,277	170	2,360	704	43
1963	3,208	157	2,260	702	89
1964	2,599	128	1,977	419	75
1965	2,397	152	1,819	344	82
1966	2,248	190	1,690	313	55
1967	2,166	231	1,548	325	62
1968	1,881	192	1,269	382	38
1969	1,830	94	1,392	308	36
1970	1,671	60	1,325	193	93
1971	1,561	93	1,118	302	48
1972	1,141	74	772	282	13
1973	1,132	112	849	154	17
1974	826 <sup>69</sup>	133	609	55	29
1975	595	66	471	39	19
1976	478 <sup>70</sup>	NS <sup>71</sup>	338	371	NS <sup>72</sup>

<sup>69</sup> This year the figures reported relate to the number of offences compared to the number of persons proceeded against as in the previous years

<sup>70</sup> Figures do not add up but this is what was reported in the data

<sup>71</sup> No statistics available

<sup>72</sup> No statistics available

1977	264 <sup>73</sup>	20	168	39	37
1978	343	57	220	35	31
1979	161	5	91	37	28
1980	231	35	159	26	11
1981	148	11	113	18	6
1982	124	6	91	5	22
1983	193	28	135	16	14
1984	110	8	97	4	1
1985	110	7	87	8	8
1986	135	12	93	24	6
1987	81	15	62	1	3
1988	63	9	41	0	13
1989	95	8	69	1	17
1990	109	21	74	10	4
1991	71	12	48	3	8

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<sup>73</sup> Figures do not add up but this is what was reported in the data

## **Appendix C: Questions on the Prosecution of Parents for school non-attendance**

At a managers meeting I outlined that I was conducting a piece of research in relation to the practice of the prosecuting parents for the school non-attendance of their children from an Irish perspective. I informed the meeting that I was going to send an email and that I would be interested in hearing what their ideas, thoughts and questions were in relation to the above topic. An email was initially sent to all Regional Managers and Senior Educational Welfare Officers after the managers meeting and subsequently on the 15<sup>th</sup> of October. All managers responded to the emails that were sent out and I grouped all relevant questions together. Questions that are relevant to 2 or more people are colour coded.

No. 1

What is deemed effective? Is it based on days in school post School Attendance Notice, Summons or first day of hearing case?

How many years will be mapped?

Will the narrative of the legal judgement be used and not just the conviction?

What timeframe will be used to review outcomes of cases?

How long are cases open before legal sanctions are used? Does this depend on families/cases/staff?

Are other subjective outcomes going to be used such as participation in school, achieving a junior certificate, family engaging in other services, sourcing appropriate assessments?

As a result of initiating legal proceedings have some cases entered the home education setting? If so has that been effective?

Will parents and children be interviewed as part of the study?

No. 2

Does prosecution work at all? More targeted questions need to be posed and examined

In what circumstances are prosecutions successful or unsuccessful?

What is deemed as success?

When is success measured? School Attendance Notice Stage, summons stage or prosecution stage?

How is success measured? Full attendance, improved attendance of the child or improved attendance of siblings

While a custodial sentence may not be a 'successful outcome' it may be if it triggers more meaningful social work intervention which brings about more structure and support for a family which creates the right environment for a child to attend school?

Are prosecutions in relation to younger children more successful than ones concerning adolescents?

In looking at success in relation to the prosecuted family, how do we gauge success in the general community? Does a prosecution of one traveller family have an impact on their relations or community?

How can media reports of our prosecutions contribute to success in the wider community? There is anecdotal evidence that cases reported in the Tallaght Echo have acted as a community deterrent.

No. 3

What types of cases are brought to court?

What are the reasons that cases are brought to court?

What are the numbers of cases brought to court that also have different agencies involved with the family?

What are the numbers of cases where only the National Educational Welfare Board is involved and there are no other issues than non school attendance?

What are the long term outcomes? Did the child remain in education or only to compulsory leaving age?

How many had successful outcomes after conviction?

How many cases have been brought to court on a second summons and what are the outcomes of this?

No. 4

Number of court cases overall?

What is the number of custodial sentences?

What are the numbers of fines and what are the levels of fines handed down by the court?

How many cases have been struck out of court due to the child returning to school?

What are the minimum and maximum numbers of adjournments of cases in court?

How many cases ended up back in court due to non-return of child to school?

How many parents have been prosecuted more than once for different children?

What is the proportion of traveller cases?

How many children returned to school following court appearance?

How many Education Welfare Officers have and have not taken cases to court?

What are the implications for the Education Welfare Service in relation to prosecutions with the introduction of the One Child One Team One Plan policy?

No.5

What are the outcomes for the child of going to court? Is there a return to satisfactory attendance or not?

What are the geographical trends?

What are the patterns in relation to School Attendance Notices and Summons?

What are the patterns in cases from School Attendance Notices to cases that are brought to court?

What is the family composition of cases? Single parent families' v both parents

What are the ethnic backgrounds and what are the trends?

What is the average length of time it takes from the issue to completion of case? Is there a difference across the country?

No. 6

What is the attendance like from cases we take to court a year after?

Does a summons impact on attendance or are there other factors such as family capacity or working with other agencies?

Are you going to analysis cases where court intervention did not work in the sense that improvement was marginal or not sustained?

Why do we bring cases to court?

## **Appendix D: SAN and Summons Data**

*Information collected by the EWS in relation to the SAN Database:*

The child's name and address  
The Parent's name and address  
The County and Region the SAN was issued in  
The child's date of birth  
The school name  
What school level the child is attending  
Date of issue of SAN  
Current status

*Information collected by the EWS in relation to the summons database:*

The child's name and address  
The parent's name and address  
The County and region the summons was issued in  
The child's date of birth  
The school name  
What school level the child is attending  
The date of issue of SAN  
The date of issue of summons  
The method of lodgement  
The court venue  
Date and outcome of court hearings



## **Appendix F: Focus Group Questions**

### **(Educational Professionals)**

What do you believe are the factors associated with school non-attendance for the child, family, school and/or society in general?

What strategies can be used to improve school attendance?

What are your views on the general principle of prosecuting parents for school non-attendance?

Do you think that the prosecution of parents a beneficial strategy to deal with school non-attendance cases?

Are there certain types of cases that are more effective to prosecute? If so why?

In what circumstances are prosecutions successful or unsuccessful? What do you deem to be successful?

Are there any other strategies to deal with school non-attendance other than prosecuting parents?

Do you think the fear of prosecution plays a role in improving attendance?

What are your thoughts and views on the sanctions that can be imposed by the court if a parent is found guilty of their child's school non-attendance (€1000 or 1 month in prison)?

Is there anything else you would like to say about school non-attendance and the prosecution of parents?

### **(Support Agencies)**

What do you believe are the factors associated with school non-attendance for the child, family school and or society in general? – Why do children miss school?

What are your views on the general principle of prosecuting parents for the school non-attendance of their children?

Do you think that the prosecution of parents is a beneficial strategy to deal with school attendance cases?

Are there other strategies to deal with school non-attendance other than prosecuting parents?

What are your thoughts and views on the sanctions that can be imposed by the court if a parent is found guilty of their child's school non-attendance (€1000 or 1 month in prison?)

What impact do you think prosecutions for school non-attendance can have on the child or family? Some have commented that it may cause stress or place pressure on parents and young people, what are your thoughts?

Findings from the QUAN analysis found that 73% of summonses were issued in relation to children aged between 12 and 16 years of age. Why do you think this is the case?

Findings from the QUAN analysis found that 74% of summonses were issued to both parents. However when this is broken down the analysis shows that 62% of summonses were issued to mothers and 38% were issued to fathers. What are your thoughts on this?

In some of the other focus groups participants perceived that parents were significant in relation to non-attendance, they pointed to such things as;

1. the lack of parental control,
2. the lack of structure and routine,
3. value placed on education at home,
4. lack of parental participation and engagement in education

What are your thoughts?

In some of the other focus groups the participants suggested that the prosecution process can impact on the overall school attendance within a community, what are your thoughts on this?

In some of the other focus groups the participants suggested that there was a pattern emerging in relation to the involvement of particular families and some mentioned the notion of intergenerational pattern, what are your thoughts on this?

In some of the other focus groups the participants suggested that the failure of parents to engage in addressing the school attendance issues was a justification for prosecution, what are your thoughts?

## **Appendix G: Information on the Research Participant Background**

### ***Education Welfare Officer/Senior Education Welfare Officer/Regional Managers***

The Education (Welfare) Act 2000 allowed for the establishment of the National Educational Welfare Board, which is now known as the Educational Welfare Service. The Act updated the legislative framework for compulsory school attendance in the Irish State and also included specific powers of appointment of Educational Welfare Officers (EWOs). Regional Managers and Senior Educational Welfare Officers are also employed by the Educational Welfare Service to provide support and to manage the service. The statutory obligation of the Act is to ensure that every child in the State attends a recognised school or otherwise receives an appropriate education. EWOs are appointed to work in close co-operation with schools, teachers, parents, students and community organisations with a view to encouraging regular school attendance and developing strategies to reduce absenteeism and early school leaving. The rights of parents who opt to educate their children outside the recognised school system are set out in the Act, which provides for the identification and registration of such children in order to ensure that an appropriate education is being provided for. Section 25 of the of the Education (Welfare) Act, allows the EWS to issue a parent with a School Attendance Notice (SAN), if the agency is of the opinion that the parent is *failing or neglecting to cause his or her child to attend a recognised school* (p22).

### ***School Principal***

According to the Education (Welfare) Act 2000, each Board of Management of a school should adopt a pro-active approach to school attendance, which is implemented through the school Principal. Each school Principal should maintain a register of students attending the school, support pupils with difficulties in attending school, prepare and implement a whole school attendance strategy to encourage regular school attendance, prepare and implement a code of behaviour in line with guidelines issued by the EWS, inform the relevant EWO of particular problems in relation to attendance and record and inform the EWS on all types of students non-attendance, suspensions and expulsions. The Act also states that the Board of Management, teachers, Principals and other members of staff of a recognised school shall give all such assistance as may be reasonably required by an EWO in the performance of his/her functions.

### ***School Completion Programme Coordinator***

The School Completion Programme is a Department of Education and Skills initiative that aims to have a significant positive impact on the levels of pupil retention in primary and secondary level schools. The SCP Coordinator is employed under the auspices of a local management committee to provide direct support to targeted young people by organising and facilitating the provision of in-school, out-of-school and after school supports that responds to young people's needs. The remit as outlined in the special guidelines includes maintaining strong links with relevant agencies and working to retain students in the formal education system and encouraging young people who have left mainstream education to return to school (DES, 2005).

### ***Home School Community Liaison Coordinator***

The role of the HSCL Coordinator is undertaken by teachers who are released from all teaching duties and engage in full-time liaison work between the home, school and community. The role of the Coordinator includes empowering parents, supporting marginalised pupils, promoting co-operation between home, school and community and retaining young people in the education system. The aim of the scheme is to enable parents to become active participants in their children's learning and encourages parents to take an active part in improving their children's literacy and mathematics skills. According to the Department of Education and Skills guidelines the local Coordinator addresses the development of the parent-teacher relationship in collaboration with the local community in order to enhance the nurturing of the whole child (DES, 2005/06). Since 2009 the management of the HSCL scheme was transferred to the EWS, but each HSCL Coordinator is employed by the Department of Education and Skills.

### ***Family Support Coordinator***

The family support service offers home based, flexible, practical and emotional support to children and their families. Family support is a style of work that uses a range of activities that strengthen positive informal networks through community and home based programmes. The main focus is on early intervention aiming to promote and protect the health and well-being of children, young people and their families with particular attention being given to those who are vulnerable or at risk. Referrals are received from statutory, voluntary and community professionals as well as from parents themselves.

### ***Women's Community Development Manager***

The women's community development project works to empower and support women who experience disadvantage and marginalisation as a result of barriers to participation and lack of opportunity. The community development programme run a women's group promoting life-long learning. The project also runs a number of different programmes such as education and awareness raising programmes, community workshops, access to 3<sup>rd</sup> level outreach studies, community development, leadership programmes and programmes designed to support adults dealing with stressful situations. The project brings women together to discuss their community and life experiences in order to bring about change in the lives of their families and communities.

### ***Clinical Coordinator of a Mental Health Programme***

The mental health programme is part of a national youth mental health service providing mental health services in 12 communities across Ireland. The main role of the programme is to ensure that no young person feels alone, isolated or disconnected from others around them. The programme provides vital supports to young people with their mental health by working closely with communities. The programme offers a free and confidential support service for young people, their mental health and well-being aged 12 – 25. The programme also offers information and advice to anyone who is worried about a friend or young person in their life. Through our Youth Advisory Panel we listen to what young people have to say and involve them in shaping the ways in which we support their mental health.

### ***Roma Community Development Worker***

The project is part of a national organisation that supports the human rights of Roma and Travellers in Ireland. The Roma project works with the Roma community to achieve full human rights for Roma people in Ireland through policy change. The project works to influence policy development for an overall strategy for Roma inclusion and to address high levels of poverty and inequality. The project provides advice and support on a range of issues that affect Roma such as employment, social protection, housing and welfare and education.

### ***Children and Family Centre Manager***

The project supports children, young people and their families within the community. The projects continuum of care includes a Youth Work Programme, Substance Misuse Programme, Arts Programme, Child Welfare Programme, Teen Parent Support Programme, Parenting Programmes and Childcare/Early Years Service. The families we work with are impacted by a range of issues such as addiction, mental health, homelessness, poverty and inequality.

### ***Traveller Youth and Community Work***

The Travellers development group has a youth team, primary health care team and an accommodation team. The Traveller Youth team works with young Travellers 12 – 21

years or age. The project works predominately around supporting Travellers in their education and working with Travellers who present with substance misuse issues.

## **Appendix H: Focus Group Invite**

My name is Glenn Perry and I am in my final year studying for a Doctorate in Education with St. Patrick's College, in Drumcondra, Dublin. I also work as a Senior Educational Welfare Officer with the Educational Welfare Service (Formally the National Educational Welfare Board). Currently I am writing a thesis on the topic of school non-attendance and the prosecution of parents.

For the first phase of the study, I have analysed a number of datasets relating to the issuing of School Attendance Notices and Summonses taken by the Educational Welfare Service from 2006 – 2013. For the second phase of the study I want to conduct a number of focus groups in order to develop a deeper understanding of the topic of school non-attendance and the prosecution of parents. I am interested in exploring your thoughts and experiences within this area.

The focus group will consist of between 5-8 people from different professional backgrounds such as Primary School Principals, Post-Primary Principals, Education Welfare Officers, School Completion Coordinators, and Home School Community Liaison Coordinators. The focus group will last between 60 – 90 minutes and I will have approximately 8 – 10 questions that I would like to explore.

I look forward to meeting with you in the near future to listen to your thoughts, ideas and experience's in relation to school attendance and the prosecution of parents.

Regards,

---

Glenn Perry

## Appendix I: Focus Group Confirmation Letter

Dear \_\_\_\_\_,

Thank you for your willingness to participate in the focus group. I would like to hear your views and opinions about the practice of prosecuting parents for the school non-attendance of their children. You will be in a group with 5-8 other participants with different experience in the education field. I will use a Dictaphone to record the focus group session but your responses to the questions will be kept anonymous. The date, time and place are listed below.

Date:

Time:

Place:

If you need directions to the focus group or will not be able to attend for any reason please call xxxxxxx. Otherwise I look forward to seeing you.

Regards,

\_\_\_\_\_

Glenn Perry

## Appendix J: Focus Group Consent Form

You have been asked to participate in a focus group on the topic of the practice of prosecuting parents for the school non-attendance of their children. This research is being conducted as part fulfilment for my Doctorate in Education. The information learned in the focus group will be used for the purpose of completing my Doctoral Thesis.

You can choose whether or not to participate in the focus group and stop at any time. Although the focus group will be tape recorded, your responses will remain anonymous and no names will be mentioned in the Thesis.

There are no right or wrong answers to the focus group questions. I want to hear many different viewpoints and would like to hear from everyone. I hope you can be honest even when your responses may not be in agreement with the rest of the group. In respect of each other, I ask that only one individual speak at a time in the group and that responses made by all participants be kept confidential.

I understand this information and agree to participate fully under the conditions stated above:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### Appendix K: Themes and Subthemes

Q	1st Categorisation	2nd General Categorisation	3rd General Categorisation	4th General Categorisation
				<b>THEME 1:REPORTED FACTORS ASSOCIATED WITH SCHOOL ABSENTEEISM</b>
<b>Q1</b>	General Issues	Student Factors	Student Factors General Non-Attendance, Age, Transfer from Primary to Post-Primary, Mental Health Issues and Complex Needs, Feelings of Isolation, Educational Issues, Traveller and Roma	<b>Student Factors</b> General Absences, Age, General Illness and Mental Health, Special Educational Needs, Behavioural Difficulties and Undiagnosed Learning Needs, Social Isolation and Loneliness, Literacy and Numeracy Skills, When English is not the First Language, Children from a Traveller or Roma Background
	Parental Issues	Family Factors	Family Factors Form of Neglect, Poverty and Related Issues, Inability to Cope, Chaotic Lifestyles and Lack of Structure and Routine, Lack of Parental Responsibility and Capacity, Alcohol and Drug Addiction, Mental Health, Learning Difficulties and Complex Needs,	<b>Family Factors</b> 'A Form of Neglect', Parental Mental Health and Learning Difficulties, Parenting, Structure and Routine, Parental Participation, The Value placed on Education at Home, Poverty and Related Issues, Alcohol and Drug Addiction

			International Families and Ethnicity	
	Starts at a young age/pattern	School Factors	School Factors School Structure and Environment, School Size, Teacher-Pupil Relationships	<b>School Factors</b> School Climate, Curriculum Difficulties, School Size, Level and Type, Teacher-Pupil Relationship
	Individual Issues with Children	System Factors	System Factors Generational Pattern of Truancy, Allocation of Resources, Managing School Attendance, The Complex Nature of School Absenteeism	<b>System Factors</b> Generational Pattern of Truancy, Allocation of Resources, Managing School Attendance, The Education System, The Complex Nature of School Non-Attendance
	Children Struggling Academically			
	School System/Environment/Size			
	Value Placed on Education by Parents			
	Language Barrier/Nationality/Ethnic Background			
	System Breakdown			

	We treat everybody equally'			
	Equality of Access vs. Equality of Outcome			
	Intergenerational Truancy			
				<b>THEME 2: INTERVENTION STRATEGIES WHICH CAN IMPROVE SCHOOL NON- ATTENDANCE</b>
<b>Q2</b>	Positive Reinforcements	School Attendance Strategies	School Attendance Strategies	School Attendance Strategies
	Communication/Good Working Relationship	Monitoring, Early Intervention and Welfare Approach	Monitor Attendance, Early Intervention and Welfare Approach	Monitoring School Attendance
	Setting Targets/Ensuring that Children can Read and Write	Creating a Positive School Environment	Creating a Positive School Environment	Creating a Positive School Environment
	Attendance Monitor/Coordinated Approach	Communication and Building Relationships	Communication, building relationships, HSCLS	Communication Between School and Home/Building Positive Relationships
	Court Action/Prosecution	Interagency Cooperation	Interagency Cooperation and Integrated School Services	Interagency Cooperation
	Welfare Approach	Specific Intervention Programmes	Specific Intervention Programmes	In-School & After School Programmes

	Creating a Positive School Environment/School Placement	Legal Solutions	The Educational Welfare Service	Referring cases to Educational Welfare Service
			Funding and Investment	
				<b>THEME 3: GENERAL PRINCIPLE OF PROSECUTING PARENTS FOR SCHOOL NON-ATTENDANCE</b>
<b>Q3</b>	general	It is the Law	General Observations	The Compulsory Nature of Education Requires Prosecution
	Type of Sanction	System/process issues	The Law is the Law	The Effectiveness of the Prosecution Process
	Practice/Process Issues	Prosecutions had an Impact	The Type of Sanction	The Impact of Prosecution Procedures
	Had No Impact	Prosecutions had no Impact	The Prosecution Process can have an Impact	The Fear of Prosecution in Improving School Attendance
	Had an Impact	In Favour	The Prosecution Process had Little or No Impact	The Suitability of Court Sanctions
		Not in favour	System and Process Issues	
<b>Q4</b>	General	General		
	Beneficial	Beneficial		
	Not Beneficial	Not Beneficial		
<b>Q8</b>	General	In Certain Circumstances		

	Yes	No		
	No			
				<b>THEME 4: FACTORS TO CONSIDER WHEN PROSECUTING A CASE</b>
<b>Q5</b>	General	General	general observations	Case-by-Case Approach
	More Effective/Factors in Taking Cases to Court	Factors to Consider	Factors to consider: Age of child, Type and level of Non-Attendance, History of Non-Attendance, Engagement of Parents, Case by Case	Age of the Child
	Less Effective/Factors of Why Not to Take Cases to Court			The Pattern of Non-Attendance
				Parental Engagement
<b>Q6</b>	Warning/Message	Warning/Message		Resource Implications
	Case by Case	Different Levels of Success		
	Successful	Not Successful		
	Unsuccessful			
				<b>THEME 5: COURT SANCTIONS AND OUTCOMES</b>
<b>Q7</b>	General	Alternative		Inconsistencies with the

		Programmes		Court Process
	Community Service	Community Service		Community Service
	Fines	Changing the Fine System		Court Fines
	Social Welfare/Children Allowance Deductions/Attachment to Earnings	Linking Attendance to Child Benefit or Attachment of Earnings		Linking Attendance to Child Benefit
	Court Mandate Sanctions	Court Mandate Sanctions		Alternative Court Sanctions
	Linking sanction to education	Resource Issues		
		The System		
<b>Q9</b>	General	Attitude and Understanding		
		The Legislation		
		Sanction for children		

## **Appendix L: EWS Regions**

### **Dublin City**

North and South Inner Dublin City, South Co. Dublin excluding Tallaght

### **Lenister North**

Co. Louth, Co. Cavan, Co. Monaghan, Co. Meath and North Dublin

### **West Northwest**

Co. Galway, Co. Mayo, Co. Roscommon, Co. Leitrim, Co. Westmeath, Co. Sligo, Co. Longford, Co. Donegal, Co. Laois, Co. Offaly

### **Lenister South**

Tallaght, Co. Wicklow, Co. Kildare, Co. Kilkenny, Co. Carlow, Co. Wexford, Co. Waterford

### **Munster**

Co. Cork, Co. Kerry, Co. Limerick, Co. Tipperary, Co. Clare

### **Changes (approximately 2008)**

Co. Westmeath and Co. Longford changed from Lenister North to West Northwest

Co. Clare changed from the West Northwest to Munster

Co. Laois and Co. Offaly changed from Lenister South to West Northwest

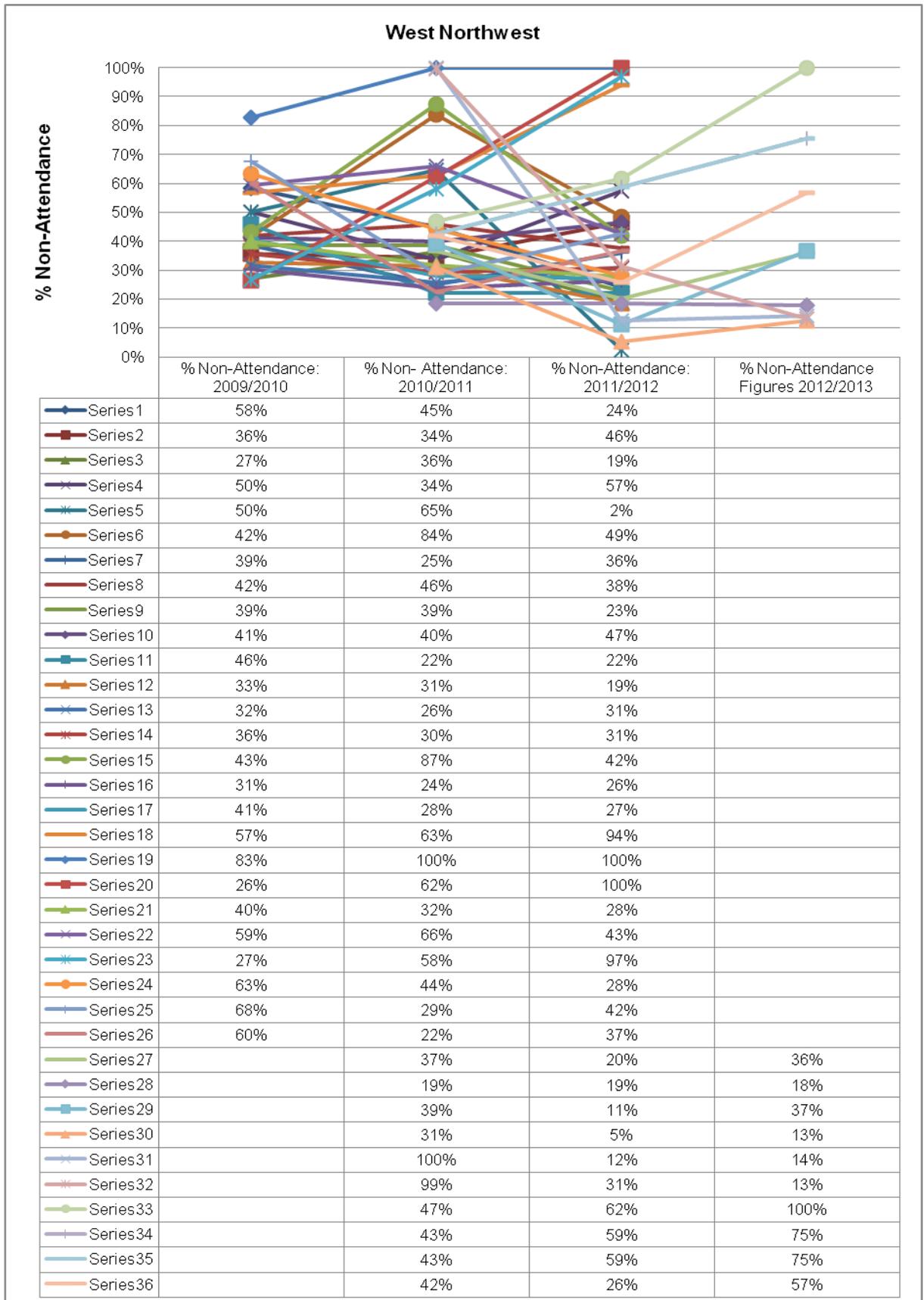
### Appendix M: SAN County by County

	Frequency	Percent	Valid Percent	Cumulative Percent
Co. Carlow	130	4.4	4.4	4.4
Co. Cavan	15	.5	.5	4.9
Co. Clare	65	2.2	2.2	7.1
Co. Cork	332	11.3	11.3	18.4
Co. Donegal	59	2.0	2.0	20.4
Co. Dublin	683	23.2	23.2	43.6
Co. Galway	217	7.4	7.4	51.0
Co. Kerry	82	2.8	2.8	53.8
Co. Kildare	125	4.2	4.2	58.0
Co. Kilkenny	20	.7	.7	58.7
Co. Laois	77	2.6	2.6	61.3
Co. Leitrim	1	.0	.0	61.3
Co. Limerick	330	11.2	11.2	72.6
Valid Co. Longford	35	1.2	1.2	73.7
Co. Louth	82	2.8	2.8	76.5
Co. Mayo	104	3.5	3.5	80.1
Co. Meath	18	.6	.6	80.7
Co. Monaghan	26	.9	.9	81.6
Co. Offaly	53	1.8	1.8	83.4
Co. Roscommon	21	.7	.7	84.1
Co. Sligo	59	2.0	2.0	86.1
Co. Tipperary	51	1.7	1.7	87.8
Co. Waterford	37	1.3	1.3	89.1
Co. Westmeath	73	2.5	2.5	91.5
Co. Wexford	138	4.7	4.7	96.2
Co. Wicklow	111	3.8	3.8	100.0
Total	2944	100.0	100.0	

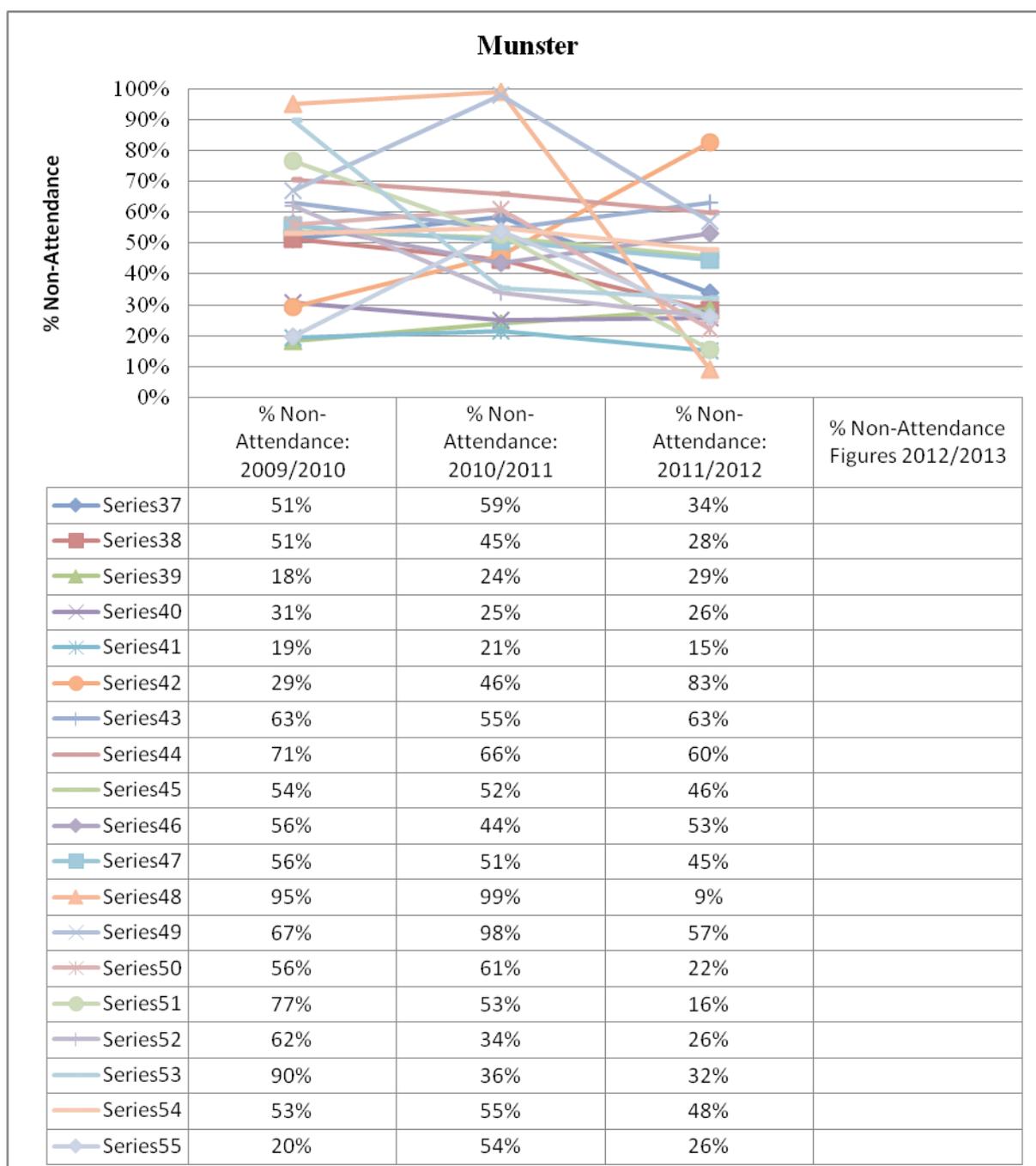
## Appendix N: Summons County by County

	Frequency	Percent	Valid Percent	Cumulative Percent
Co. Carlow	40	5.5	5.5	5.5
Co. Cavan	3	.4	.4	6.0
Co. Clare	28	3.9	3.9	9.8
Co. Cork	69	9.6	9.6	19.4
Co. Donegal	10	1.4	1.4	20.8
Co. Dublin	118	16.3	16.3	37.1
Co. Galway	55	7.6	7.6	44.7
Co. Kerry	21	2.9	2.9	47.6
Co. Kildare	14	1.9	1.9	49.6
Co. Kilkenny	2	.3	.3	49.9
Co. Laois	23	3.2	3.2	53.0
Co. Leitrim	1	.1	.1	53.2
Co. Limerick	112	15.5	15.5	68.7
Valid Co. Longford	10	1.4	1.4	70.1
Co. Louth	4	.6	.6	70.6
Co. Mayo	37	5.1	5.1	75.8
Co. Meath	9	1.2	1.2	77.0
Co. Monaghan	1	.1	.1	77.1
Co. Offaly	9	1.2	1.2	78.4
Co. Roscommon	8	1.1	1.1	79.5
Co. Sligo	28	3.9	3.9	83.4
Co. Tipperary	25	3.5	3.5	86.8
Co. Waterford	2	.3	.3	87.1
Co. Westmeath	22	3.0	3.0	90.2
Co. Wexford	53	7.3	7.3	97.5
Co. Wicklow	18	2.5	2.5	100.0
Total	722	100.0	100.0	

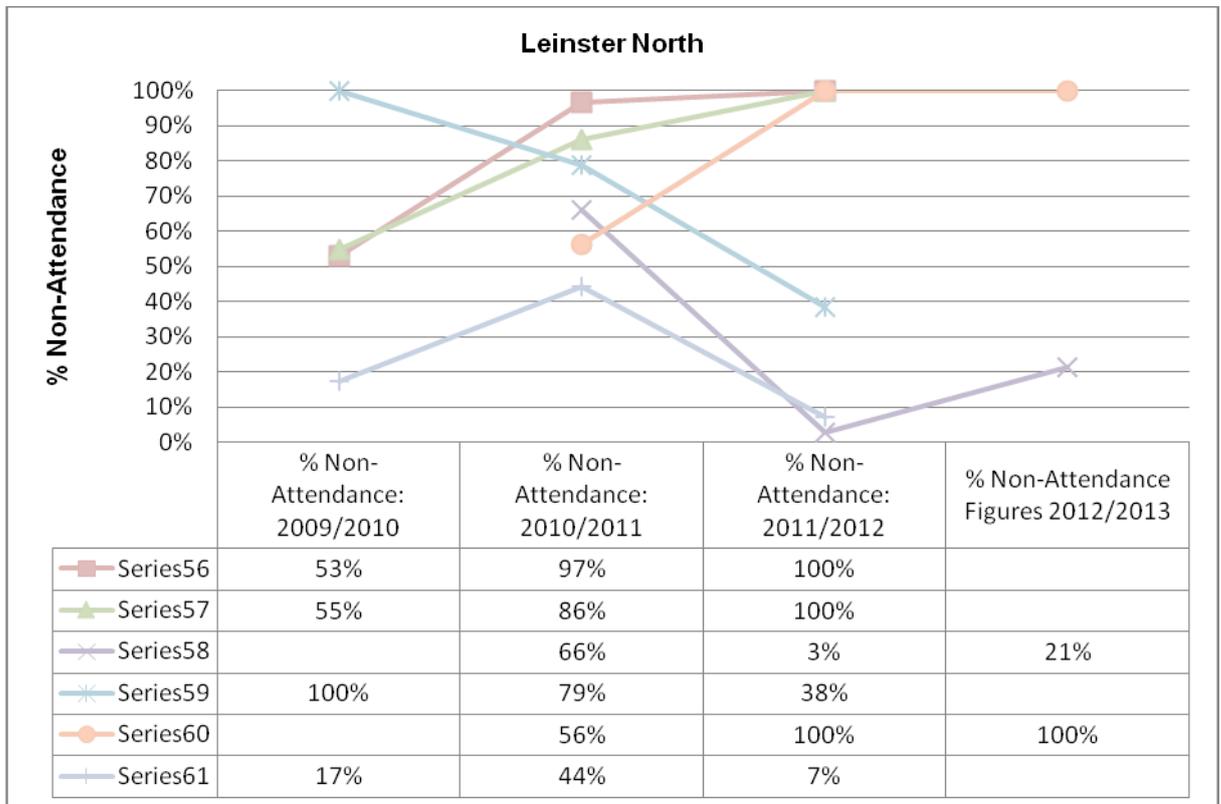
## Appendix O: West Northwest Region



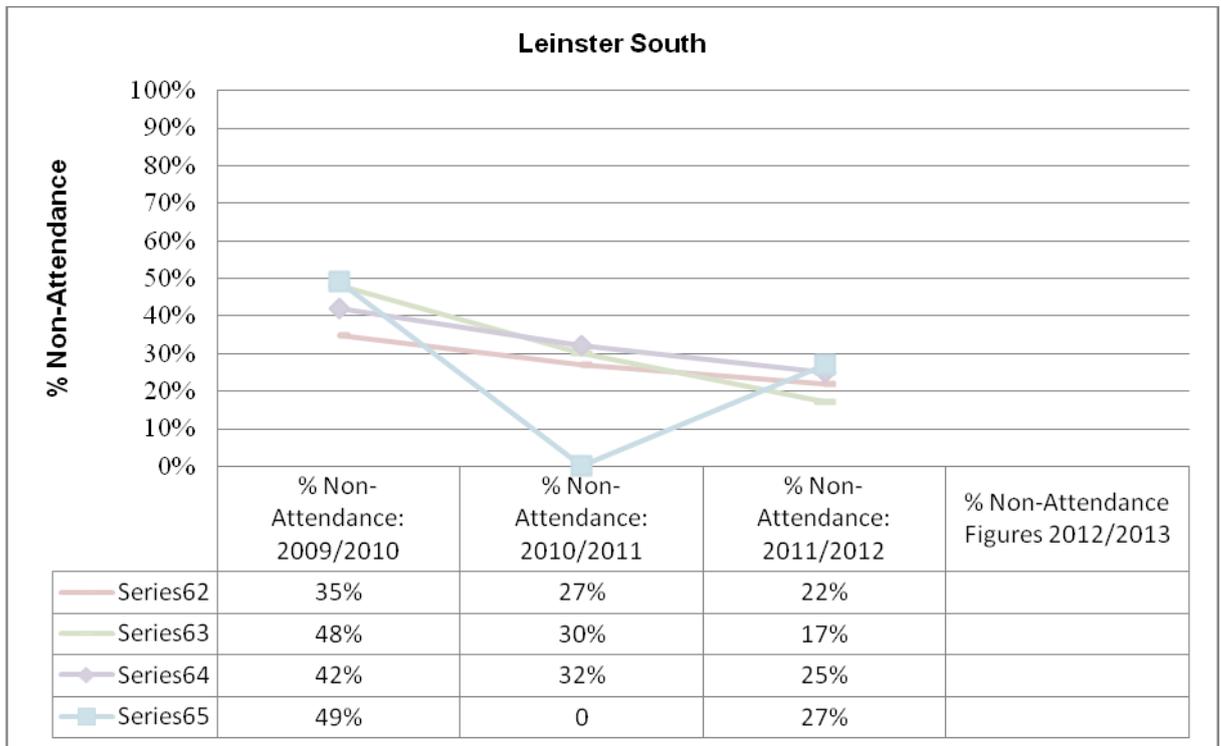
## Appendix P: Munster Region



## Appendix Q: Leinster North Region



## Appendix R: Leinster South Region



## Appendix S: Dublin City Region

