

A C J R D

Juvenile Justice

December 10th

“School Attendance and the Law”

David Ruddy BL

Bunreacht Na hÉireann

- Article 42(1)
- The state acknowledges that the **primary and natural educator of the child is the family.**
- The state guarantees to respect this inalienable right and duty of parents to provide according to their means, for the religious and moral, intellectual, physical and social education of their children.

Bunreacht Na hÉireann

- Art 42 (3) 2
- The State shall however as Guardian of the common good shall require in view of actual conditions that the children receive a **certain minimum education**, moral, intellectual and social.

Education Act 1998

□ Aim:

“To make provision for the education of every person in the State including any person with a disability or other special educational needs

O Donoghue V Minister for Education
(High Court) 1992

10,000 Resource/Learning support teachers

10,300 Special needs assistants



School Attendance Data

- PRIMARY 94%
- POST PRIMARY 92%



Education Welfare Act 2000

- ❑ Compulsory school attendance
- ❑ School Attendance Strategies
- ❑ National Educational Welfare Board (NEWB)
- ❑ Educational Welfare Officers (63 Nationwide)
- ❑ Codes of Behaviour Guidelines issued 2008
- ❑ Section (21) Suspensions
- ❑ Section (24) Expulsions

SCHOOL ATTENDANCE NOTICE

- ❑ COMPELS PUPIL TO ATTEND SCHOOL
- ❑ FINE €625/1 MONTH IMPRISONMENT
- ❑ €252.53 FOR EACH SUBSEQUENT MISSED DAY



Education Welfare Act 2000

Replaced School Attendance Act 1926

Registers-Home Education/private schools

Welfare approach /Gardaí not involved

- School Completion Projects
- Home School Community Liaison
- Raised the school leaving age to 16yrs



Educational Welfare Officer

Role and Function:

- ❑ Resource, advice and guidance for schools and parents.
- ❑ Assisting parents/schools with Section 29 appeals.
- ❑ Assisting parents find school places but they must make application.
- ❑ Supporting Home Tuition applicants.
- ❑ Following up on non attendance.
- ❑ Issuing legal proceedings where there is non cooperation with the Board.



Case Work – Underlying issues

- ❑ School refusal.
- ❑ “Chaotic” families.
- ❑ Health issues
- ❑ Financial issues
- ❑ Substance Abuse
- ❑ Disputes with schools.
- ❑ Behavioral problems
- ❑ “Unexplained” absences-main concern.
- ❑ Never simple.



Resolving the problems

- ❑ Identifying problem clearly
- ❑ Proposing viable options
- ❑ Making referral to suitable agency
- ❑ Follow through by parent
- ❑ Cooperation is key
- ❑ May not be able to resolve problem

Inter-agency approach

- ❑ Cannot succeed without input of relevant professionals.

Linkages are with: Social Workers, Gardai, Probation, community based services, NEPS, NCSE, School personnel.

- ❑ Integrating to Child and Family Agency
- ❑ Integration of SCP, HSCL

Responsibilities of Schools

- ❑ Reporting absences over 20 days
- ❑ Expulsions.
- ❑ Suspensions over 6 days (cumulatively) in academic year.
- ❑ To inform parents of right to appeal in cases of suspensions (excess 20 days) and expulsions.
- ❑ BOM obliged to inform of intention to expel.

Prosecutions to 1st August 2013

- 10,000 students supported by EWO's per annum
- 753 summonses
- 441 children
- 268 convictions
- 32 Bench warrants
- 55 Adj with leave to re-enter
- 183 struck out
- 15 dismissed
- 15 withdrawn
- 5 ongoing

NEWCASTLE WEST DISTRICT COURT

- ❑ JUDGE MARY LARKIN
- ❑ 18/11/13
- ❑ 2 SCHOOL ATTENDANCE NOTICES ISSUED
- ❑ PARENTS THREATENED WITH JAIL
- ❑ “VERY SERIOUS DEPRIVATION OF BASIC RIGHT ENSHRINED IN CONSTITUTION”



GALWAY DISTRICT CT

- 5/03/13
- JUDGE ALAN MITCHELL
- 15YR OLD MISSES 91/114 DAYS
- “WHICH PARENT DO YOU WANT TO GO TO JAIL”