

## **Attendance Team Guidance**

### **Working Together to Improve School Attendance**

*“Improving attendance is everyone’s business”*

#### **Contents**

Introduction to the Attendance Team at LCC .....	2
Our Rationale .....	2
Persistent Absence and Severe Absence .....	3
Expectations for Schools .....	4
Devising a Whole School Attendance Policy .....	5
School routines and monitoring attendance .....	5
Attendance thresholds and escalation procedures and medical evidence. ....	6
Roles and Responsibilities .....	7
Leave of absence in term-time (including holidays in term-time).....	7
Expectations for Local Authorities .....	7
Leicestershire County Council Attendance Team Strategy .....	9
Our Objective .....	9
Evaluation .....	9
Plan .....	9
Do .....	10
Review .....	10
Attendance Contracts - Formalising the Support.....	10
Making a referral to LCC Attendance Team .....	11
The Attendance Team checklist .....	13
Identifying the Causes of Absence .....	13
Identifying Patterns in Absence .....	14
Addressing the Causes of Absence .....	14
What is a parent's responsibility in law? .....	19
Compulsory School Age .....	19
Who is a parent under Education law? .....	20
Who has parental responsibility? .....	20
Sources of Further Information .....	21

## Introduction to the Attendance Team at LCC

This guidance has been produced by the Leicestershire County Council's Attendance Team. It has been devised to help schools and other education settings maintain high levels of school attendance through the development of a rigorous, whole school, multi-agency approach.

The Team's aim is to provide schools throughout the county with advice and guidance in relation to children who are struggling to attend school on a regular basis.

On 6<sup>th</sup> May 2022 the Department for Education (DfE) published [Working together to improve school attendance](#). The guidance was revised in 2024 and became statutory on 19<sup>th</sup> August 2024.

The guidance sets out expectations for schools and Local Authorities, parts of which will be summarised in this guidance.

As with all government guidance, Local Authorities and Schools are legally obliged to take the new school attendance guidance into account when exercising their functions.

The Attendance Team at Leicestershire County Council consist of the Attendance Team Manager, two Attendance Team Co-ordinators and three Attendance Team Officers who carry out the many administrative processes required regarding referrals, the issuing of fines and preparation of statements.

The Attendance Team Manager and Co-ordinators monitor and review referrals made to the team. They also conduct Targeted Support Meetings with schools in accordance with the new government guidance.

If you have any concerns in relation to a pupil's attendance and would like to discuss whether it should be referred to our team, please contact the Attendance Team directly.

Any queries should be directed by e-mail to [attendanceteam@leics.gov.uk](mailto:attendanceteam@leics.gov.uk) or by telephone on 0116 3056743.

### Our Rationale

At Leicestershire County Council we recognise that some pupils find it harder than others to attend school.

Therefore, to improve attendance at all stages of a child's life, schools and partners should work with pupils and parents to remove any barriers to attendance. This can be achieved by building strong and trusting relationships and working together to put the right support in place.

Securing good attendance cannot be seen in isolation – while regular school attendance is predominantly the responsibility of parents and carers, schools play a central role in ensuring that children and young people attend school regularly. This includes taking a positive and proactive role in the promotion of regular school attendance through strategies identified within the school attendance policy that will engage families.

**In accordance with the government guidance the Attendance Team at Leicestershire County Council take a “support first” approach and consider issuing Penalty Notices and Prosecutions as the very last resort. Wherever possible we will endeavour to support schools to provide the child and family with help and assistance in accessing their education. Our aim is to ensure that the school has exhausted all avenues of support before proceeding down the legal route.**

It will require schools to examine their own strategies regarding behaviour, bullying, special educational needs support, pastoral and mental health and wellbeing and to ensure they are using resources, including pupil premium, effectively.

By attending school regularly children and young people ensure they reach their maximum life chances and academic potential. When attending school regularly, they are given access to new experiences, new opportunities to learn and develop new skills. These are not limited to academic skills, but social, emotional, and behavioural development too. Being in school with their peers will enhance their life skills in making friends, developing confidence and self-esteem, teamwork, inclusion and learning to be resilient. [DfE attendance statistics.](#)

### **Persistent Absence and Severe Absence**

A pupil becomes a ‘**persistent absentee**’ (PA) when their attendance **drops to 90%** or below for any reason whether the absences are authorised or not. Over a full academic year this would be 38 sessions (19 school days; equivalent to 1 day or more a fortnight across a full school year). Absence at this level will cause considerable damage to a child’s educational prospects. A pupil becomes ‘**severely absent**’(SA) when their attendance **drops to 50%** or below for any reason, whether the absences are authorised or not.

As **persistent absence** is often a symptom of wider issues in a child’s life, schools, local authorities, and their partners play a crucial role in overcoming barriers to attendance and ensuring all children can access the full-time education to which they are entitled.

Whilst the law states that it is the responsibility of the parent or carer to ensure their child attends school regularly, Leicestershire County Council recommends a collaborative approach between parents, schools, and other agencies to ensure that the appropriate support to resolve barriers to attendance is put in place.

Schools need to be aware of the factors that can have an impact on the initiatives they adopt to deal with poor school attendance. These include parental and pupil engagement, the age of the pupil, home circumstances and geographic location.

It is possible that a pupil has medical needs. Please see the [Inclusion Service's page with advice for working with children who have medical needs](#).

**It is important that individual schools tailor their attendance procedures to suit their school community; evidence shows that needs-led approaches are the most effective when dealing with poor school attendance.**

### Expectations for Schools

In line with the Working Together to Improve School Attendance Guidance schools are expected to:

- Develop and maintain a whole school culture that promotes the benefits of high attendance. This includes having a clear vision for attendance improvement, evaluating and monitoring expectations and processes, oversight of data analysis and communicating messages to pupils and parents. Have a designated senior leader (Senior Attendance Champion) with overall responsibility for championing and improving attendance in school and liaising with pupils, parents and external agencies where needed.
- Have a clear school attendance policy (**see Devising a Whole School Attendance Policy below**) which all staff, pupils and parents understand, with a whole school approach where every staff member has a role to fulfil in improving attendance.
- Accurately complete admission and attendance registers and have effective day to day processes in place to follow up absence.
- Robustly track, monitor, and analyse attendance and absence data to identify pupils or cohorts that require support with their attendance and put effective strategies in place.
- Build strong relationships with families, listen to, understand, and where possible remove barriers to attendance.
- Share information and work collaboratively with other schools in the area, local authorities, and other partners when absence is at risk of becoming persistent or severe.
- Facilitate support by removing barriers in school and help pupils and parents to access the support they need to overcome the barriers outside of school.
- Be particularly mindful of pupils absent from school due to mental or physical ill health or their special educational needs and/or disabilities and provide them with additional support.

- Formalise support where absence persists, and voluntary support is not working or not being engaged with. The use of an attendance contract can be discussed with the Inclusion Service or Attendance Team at LCC when meetings with parents, and discussions with the individual pupil have not brought around change (**see Attendance Contract below**).
- Enforce support, when formal support is not bringing around change by discussing case with the Attendance Team at Leicestershire County Council.

## Devising a Whole School Attendance Policy

**It is important that a school attendance policy is tailored to the context of the school and the needs of its pupils.**

At Leicestershire County Council we recognise that attendance is never “solved” and that it is a continuous process requiring regular reviews of progress, process, and strategies. The process of endeavouring to improve a child’s attendance continues even when a referral has been made to the Attendance Team or Inclusion Service.

To ensure that robust processes are in place to tackle absenteeism a school must have a clear Attendance Policy.

Your Attendance Policy should be reviewed annually and available to view on your website.

Leicestershire County Council would recommend reviewing your current policy and ensuring that you have included the following details:

### School routines and monitoring attendance

- Reminders to parents about the policy and the new government guidance in newsletters, assemblies, staff meetings.
- Indicate the aim of the policy and the school’s ethos regarding attendance.
- Include details relating to the importance of children attending regularly, punctually and being prepared for the day- indicate amount of learning lost by just a few days off school. Do you encourage parents not to schedule medical appointments during the school day if possible?
- How do you identify and follow up on unexplained absences?
- First day calling and home visits – indicate who does them, why they happen, and emphasise the link with safeguarding concerns and why a home visit will be carried out by the school if a child has not been seen.
- Include a visual representation of the escalation procedure if a pupil’s attendance deteriorates.
- Information on the process for requesting leave of absence in term time attaching a request form for parents to complete.

- Names and contact details of school staff to contact about attendance – both on a day-to-day basis and to discuss any wider concerns.
- Details as to how you manage attendance on a day-to-day basis (action taken to follow up on unexplained absences, ongoing concerns) and what support is offered.
- Systems and processes for promoting good attendance (incentives).
- Clarify the start times and end of the school day – when does a pupil acquire a L code or U code?
- Details of any meet and greet, breakfast clubs, activities before school and areas that are open to the children before registration.
- Uniform- expectations of the school- is obtaining uniform a barrier. Are there any financial barriers to address with families?
- How do you identify concerns regarding attendance and share those concerns with a parent? Does the policy stress that the focus is on supporting a parent and child?
- Indicate how you will listen, review and work with parents to ensure their child is supported at school. Confirm how you will work with a parent to remove barriers to attending regularly.
- School Term dates- indicating school's stance on term-time holidays and reference the National Framework.

### Attendance thresholds and escalation procedures and medical evidence.

- Indicate next steps if attendance concerns continue or if the child attends well.
- Your strategies regarding Persistently Absent children (those missing 10% or more sessions) or those with severe absence (those missing 50% or more sessions).
- Indicate how you will challenge and support parents and pupils to remove barriers before referring to the Attendance Team in respect of ongoing unauthorised absence concerns and a possible Notice to Improve.
- Indicate when you will require evidence to authorise an absence? If there is a high number of absences for illness over a sustained period you may require a parent to provide medical evidence – this does not always have to be a GP letter - medical evidence could be an appointment card, a letter from the hospital regarding an appointment, or prescription details. However, schools should not routinely request that parents provide medical evidence. Only where the school has a “genuine and reasonable doubt about the authenticity of the illness”.
- Please note paragraph 363 of the Working Together to Improve School attendance states:-

**“In the majority of cases a parent’s notification that their child is ill can be accepted without question or concern. Schools are not expected to routinely request that parents provide medical evidence to support illness absences. Schools should only request reasonable medical evidence in cases where they need clarification to accurately record absence in the attendance register – i.e. making a decision that code I is the absence code that accurately describes the**

**reason the pupil is not in school for the session in question. In the majority of cases a parent's notification that their child is too ill to attend school will be that evidence and can be accepted without question or concern. Only where the school has genuine and reasonable doubt about the authenticity of the illness should medical evidence be requested to support the absence."**

### **Roles and Responsibilities**

- Detail how staff review the data to spot trends, concerns regarding attendance – how data is shared with pupils and parents.
- How do school senior management review the implementation of the policy.
- Confirm that you will listen and provide support wherever possible but absence that is concerning i.e., Persistent or Severe will not be tolerated.
- Does the policy provide links to other pertinent statutory policies including safeguarding, behaviour, and bullying?
- Indicate what tailored support look likes at the school?
- Refer to formal attendance meetings, school attendance panels, who arranges and holds these meetings, who attends.
- Be clear that where there are safeguarding concerns, these will be referred to social care.
- Detail when the school will consider referring to the Attendance Team for possible legal intervention. State that legal intervention will be considered when there are not legitimate reasons for absences and the parent and child have not engaged with or taken up support offered by school or other agencies (i.e., Early Help).

### **Leave of absence in term-time (including holidays in term-time)**

- Detail information required regarding individual requests for authorisation for Leave of Absence.
- Confirm that Leave of Absence in term-time will only be authorised in exceptional circumstances.
- Detail where the request is not agreed the absence will be unauthorised, and state that the case will be referred to the Attendance Team and parents will be issued with a Penalty Notice of £160 **per parent per child** (discounted to £80 if paid within 21 days).
- Refer to the Attendance Team Code of Conduct for guidance in respect of requesting a Penalty Notice (where support is not appropriate).

### **Expectations for Local Authorities**

The school can expect the Local Authority to:



- Track local attendance data. This data will be discussed with all schools during their termly targeted support meetings.
- Provide an Attendance Team to support schools offering:

#### Communication and Advice

- Webinars providing updates re best practice.
- Targeted Support Meetings.
- These will be held termly ideally with the Senior Attendance Champion with other school staff members welcome to join. Whole school, cohort and pupil level discussions will take place for those who are severely or persistently absent (See Targeted Support Meetings below).

#### Multi-Disciplinary Support for families

- Schools to work with the Attendance Team to identify the barriers to attendance and intervene early to ensure appropriate support/referrals to outside agencies are provided (i.e., Inclusion Service or Early Help).

#### Legal Intervention

- Using Prosecution as a last resort where all other routes have been exhausted or deemed inappropriate. Where unauthorised absence continues to be a concern after schools have followed the expectations placed upon them, they should liaise with the Attendance Team to consider next steps.

#### Monitor and improve the attendance of children with a social worker

- Good school attendance provides an additional safeguard for vulnerable pupils. It is therefore important that pupils with a social worker are identified, supported, and have their attendance considered at every opportunity. Schools are expected to notify the child's social worker of any unexplained absence, as part of the first day call. Attendance is expected to be on every child's plan, and where attendance of a child with a social worker remains a concern consultation will take place to ensure next steps are considered and adhered to.

The purpose of the **Targeted Attendance Support Meeting** will be to discuss:

- Your day-to-day processes for managing attendance.
- Any current strategies you have for promoting and incentivising good attendance.
- Your attendance data and any concerns and actions resulting from this.
- Your strategy for reducing persistent absence in the school including thresholds for accessing wider support services and legal intervention.
- Pupils considered to be severely absent (less than 50%).



- Pupils accessing some of their learning off site, to ensure this is used as a short-term intervention to support a child re-engage in their learning.
- Where time allows, pupils considered to the persistent absentees (90% or less).

Further information: [Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/working-together-to-improve-school-attendance)

## Leicestershire County Council Attendance Team Strategy

### Our Objective

The overall objective for the Attendance Team at Leicestershire County Council is for **every child to be in school every day, and on time**. However, we recognise that not every child is the same and that to reach this outcome we must support all children regardless of their background taking into consideration their particular needs.

The Attendance Team recognises the need to support pupils who attend between 99% to 97% to raise their attendance and get as close as possible to 100%.

It is also our wish for schools to challenge pupils who attend from 92%-97% reminding parents of their duty to ensure their child is in full time education and offering them support to prevent further absences in the future. This will be to ensure the best possible outcomes for those children when leaving school.

The Attendance Team will always recommend following a graduated approach in relation to pupils with low attendance, assessing why they are not attending regularly, creating a plan to support improvement in attendance, implementing the plan and reviewing regularly to see if improvements have been made.

### Evaluation

The Attendance Team will always recommend that schools start by evaluating the barriers preventing the child attending regularly.

The Team will ask a school the following:

- Has the child's voice been captured, what do they need to happen so they can attend?
- What support has already been implemented to improve the child's attendance?
- What support is required to improve the attendance? (See later Checklist – Appendix A re possible support).
- What further assessments may be required?

### Plan

The Attendance Team will discuss with a school:

- What next steps need to take place to help the young person attend every day, on time?
- Who will support and what their actions are?
- What outcomes do we expect to see?
- Has the plan been shared with all parties including the child where appropriate?

### **Do**

The Attendance Team will endeavour to ensure that all agencies are clear on their responsibilities and work to improve attendance, ensuring that all actions agreed are carried out.

### **Review**

The Attendance Team will review and assess:

- Does the child and family feel they have been supported?
- Is there a movement towards the desired outcomes, even small improvements?
- Has there been any party who hasn't carried out their actions?
- Has the child's voice been captured, how do they feel the last few weeks have gone, what difference has been made, what are they proud of, what could have been better?

When meeting with the pupil and the family members it is important to capture:

- What's going well – give some praise and encouragement.
- What we are worried about – be open and honest, what are the concerns.
- What are the next steps?

If a parent/carers is not engaging at all approach the Attendance Team for further advice.

### **Attendance Contracts - Formalising the Support**

Attendance is often a symptom of wider issues a family is facing. All parties should work together to offer voluntary support to address the symptoms and bring about change. Where this voluntary support is not leading to improved attendance consideration should be given to formalising the support. Where absence persists and voluntary support is not working or being engaged with consideration can be given to formalising support through use of an Attendance Contract. The Attendance Team can offer guidance in relation to the contents of the contract. The Attendance Contract will require the engagement of a parent/carers.

If a parent/carers is not engaging at all approach the Attendance Team for further advice.

A contract is not legally binding and is not a punitive tool. It is intended to provide a formal route to secure engagement with support where voluntary engagement has not brought about change.

An Attendance Contract may not always be appropriate but should always be explored. **The LA would recommend contacting the Attendance Team for advice before drafting an Attendance Contract particularly if reference is to be made to the Local Authority and possible legal intervention if parts of the contract are not complied with.**

If an attendance contract is in place and not being adhered to, the school should contact the Attendance Team to consider next steps.

There is no minimum or maximum duration to an attendance contract, reviews should take place regularly with next steps considered at each review.

[Attendance Contract Template](#) (Word .docx)

### **Making a referral to LCC Attendance Team**

**As stated above the Attendance Team consider prosecution as the last resort and wherever possible we support schools to provide the child and family with help and assistance in accessing their education. Our aim is to ensure that the school have exhausted all avenues of support before considering whether a Penalty Notice should be issued, or Prosecution commenced.**

The Team would recommend firstly consulting **LCC's Code of Conduct for issuing Penalty Notices 2024** and [LCC's Protocol](#) before referring so that you are familiar with the Evidential and Public Interest Test.

Where difficulties arise with school attendance, professionals should take a 'support first' approach in line with the DfE's 'Working together to improve school attendance' guidance, only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.

The **Working Together to Improve School Attendance** revised guidance effective from 19<sup>th</sup> August 2024 introduced a **National Framework for issuing Penalty Notices**. The National Framework for penalty notices is based on the principles that penalty notices should only be used in cases where:-

- Support is not appropriate (e.g. a termtime holiday) or where support has been provided and not engaged with or not worked; and
- They are the most appropriate tool to change parental behaviour and improve attendance for that particular child.

The **National Framework is contained within the LCC's Code of Conduct** and sets out a flowchart for the Penalty Notice process and details the National Threshold. **The National Threshold has been met when a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks with one of or a combination of the following codes:-**

- a) code G (the pupil is absent without leave for the purpose of a holiday),
- b) code N (the circumstances of the pupil's absence have not yet been established),
- c) code O (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies), and
- d) code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies).

When a school becomes aware that the national threshold has been met, they must consider whether a penalty notice can and should be issued or not.

For each case, a school should ask: -

Is support appropriate for this particular cause (or causes) of absence?

- i. If yes, staff should weigh up the specific circumstances of the case and decide which available tool is most likely to change behaviour and improve attendance. Either: continue or provide support without a Penalty Notice or Notice to Improve (e.g. where a parent is engaging well in the support, or other supportive routes could be tried); issue a Notice to Improve and continue to provide support (e.g. where a parent is not engaging well in support); issue a penalty notice (e.g. where a parent has already had a Notice to Improve and not engaged in support), subject to the further considerations.
- ii. If no, a penalty notice should be issued (e.g., a holiday in term-time) subject to further considerations set out in the Code of Conduct.

Where further support is appropriate, but the parent has not engaged with that support schools will be required to refer to the Attendance Team for a **Notice to Improve** to be sent to parent.

A **Notice to Improve** is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a Notice to Improve should be sent to parents to give them a final chance to engage in support prior to a Penalty Notice being issued.

As well as consulting LCC's Code of Conduct and protocol the Team would advise every school to consider the following checklist titled **"Key questions to be considered to ascertain whether sufficient support has been provided before making a referral"**. The checklist can be downloaded here as a separate document to be used as part of your processes.

## **The Attendance Team checklist**

Devised to support Headteachers, Attendance Leads, Attendance Officers and Governors to review attendance practices and to ensure the school is compliant with statutory guidance.

### **KEY QUESTIONS TO BE CONSIDERED TO ASCERTAIN WHETHER SUFFICIENT SUPPORT HAS BEEN PROVIDED**

#### **Identifying the Causes of Absence**

##### **Have you completed first day telephone calls/home visits?**

##### **Have letters and/or emails been sent to share your attendance concerns and has the parent responded with reasons for concerns?**

- Have you followed a graduated process with regard to sending out warning letters to parents?

##### **Have you met recently with the parents/carers and asked why the child isn't attending school?**

- With parental agreement, has an action plan been drawn up with the parent and pupil with a review date and target for improved attendance?
- Have you ensured all partners agree with the actions on the plan and allowed for the parent and child to have their voice heard?
- If an action plan has been produced but is unsuccessful, it may be time to consider trying alternative options.

##### **Have you carried out safe and well checks at the child's address?**

- If the child has been absent from school for over 10 days and no reason has been given for the absence, contact the Inclusion service to make them aware.
- When you attend the address, does it look as though the family are still residing there?
- If the property looks unoccupied, have you put a note through the door to advise the parent to contact you?
- Do you have any further information as to the child's whereabouts? If you have any concerns about the child's safety and wellbeing, have you followed the appropriate safeguarding procedures?

##### **Have you captured the child's voice to establish a reason and put support in place?**

- Have you sought advice from the SENCO to help facilitate conversations with children who have SEN?
- It is a really good idea to speak to the child on a regular basis where you can. There may be a member of staff that the child trusts who would be the best person to maintain that contact.
- Putting time aside to keep those conversations going is important.

## Identifying Patterns in Absence

### Is the child missing certain days, is there a pattern?

- Are they missing certain lessons? This could be due to academic struggles, homework, or a difficult relationship with the teacher
- Consider that returning to education after weekends or school holidays may be a barrier. There may be some simple ways to support with this, such as working with parents to ensure that friendships are supporting the journey to school.

### If regularly late, has the school start time been discussed with parents?

- Are they getting U codes on a daily basis? What are the reasons?
- What support or strategies could be put in place to address lateness?
- What incentives does the school offer e.g., Breakfast Club?
- Consider any parental issues that may affect lateness, for example, poor mental health or a child in the home who may have significant SEN affecting the morning routine. Is it time to consider linking the family with some support in the home?
- Have you discussed a bedtime routine and good sleep hygiene with the parent and child? For example, ensuring the child is not accessing devices late at night.

### If you have numerous pupils with regular L codes – have you considered amending your times for imposing L and U codes?

- At what time do you impose a U code and are parents aware their child will be given a U code if they arrive after that time?
- Making parents aware that they could receive a Penalty Notice for 10 U codes in a 10-week period by warning them in writing will support your work in this area.

### Have you checked if siblings are having the same absences?

- If they attend other schools, it may be useful to share strategies with each other.

## Addressing the Causes of Absence

### Have you considered making reasonable adjustments for a child who is struggling to attend such as:

- Staff members supporting the child to integrate into the canteen to build their confidence with eating in the assigned area.
- Withdrawing the child from lessons certain lessons on a short-term basis to build their resilience and alleviate anxiety about attending school.
- Providing the child with “Early Leave” cards, to allow them to avoid main transition times in corridors between classes.
- Offering a phased timetable to allow a transition back into school and to attend full-time. Where the child is in school but does not attend all lessons, spend time working with the pupil to support with any anxiety they are experiencing during time not spent in class.

- Permitting some pupils to sit exams in smaller examination venues e.g., smaller rooms of 10 or 12 pupils.
- If a child has sensory issues, consider allowing flexibility of the school uniform policy, such as allowing them to wear shorts instead of trousers, which may help to alleviate anxiety about attending.
- Consider the completion of a stress survey with the student to identify potential triggers. Following this, you may wish to proceed to a sensory survey.

**Have family circumstances been considered and have you considered with the family what support may help them at this time?**

- Have any referrals to other agencies been offered?
- Is obtaining uniform a barrier?
- Are there any financial barriers to address with family?
- Are there any housing or transport issues to address?
- Have there been any family breakups such as divorced parents or siblings moving out of the home?
- Are there any addiction issues within the home? If yes, have you considered making a referral to Turning Point with parental consent?
- Has the child or family experienced a loss or bereavement? If yes, have you considered a referral to the Laura Centre?

**Have you made a referral to Family Help to provide support for the family?**

- If so, there will be an allocated key worker that you can liaise with.
- Have you had a meeting with the parent and key worker to ensure a joint approach?
- If a family help referral has been made but rejected, Family Lives may be worth exploring as they are not directly linked with Children's Social Care and families may be less nervous about engaging with them.

**Have you considered where the family live in relation to school and considered whether the journey to school is a barrier?**

- Have you discussed what the options can be offered if the journey is the barrier? For example, a walking buddy.
- Have you discussed the use of mobile phone apps, such as life 360, to alleviate parental or child concerns about the journey?
- It is worth suggesting that the parents go through the journey with their child, for example, walking the journey with them during a quiet time?

**Is the child a Young Carer, and is this having an impact on their attendance?**

- If so, have you sought support from young carer support agencies?

**Have you considered whether the child or parent has experienced a previous trauma that could be affecting the child's attendance?**



- Are all staff trained in trauma informed practice?

**Have you considered whether the child have unmet learning needs that have yet to be assessed resulting in them being reluctant to attend school?** *If so, ensure you are mindful of long wait times for a diagnosis, and that a diagnosis is not needed for support to be put in place*

- Have you received transition information from the child's primary school? Consider contacting them to see if there have been prior attendance concerns
- Consider using online tools to gain an insight on a child's academically ability and if further assessments are needed, such as a Dyslexia screening test.
- If the parent consents, you can make a referral to the child's GP for testing, if required.

**If an EHCP is in place: -**

- Are the outcomes being supported?
- When was this last reviewed by School?
- Are termly and annual reviews of the EHCP in place?
- Have you captured the parent and child's voice regarding the EHCP?
- Have you contacted SENA to make them aware that the child is not attending?

**Has the child's health been considered?**

- Have you received any medical evidence from the parent?
- It may be useful to ask the parent to seek further medical evidence, so the school have a better understanding of the child's needs
- Could the school contact the GP/consultant with parents' consent to request further information? Please ensure you are in line with guidance around requesting medical evidence, contained within the "Working together to improve school attendance" guidance (Paragraph 363)
- The Care Navigator can be contacted, with the parents' consent, to establish whether the child is awaiting further medical support
- Is the child suffering from anxiety – have parents been advised to seek a referral to CAMHs via their GP?
- The medical needs team in the Inclusion Service can provide support and advice around medical needs.

**Have you sought the advice of the Inclusion Forum/ Inclusion Partnership in your area?**

- If yes, have you put into place the actions recommended and allowed time for this to take effect?

**Have you considered whether the child is displaying signs of Emotionally Based School Absence?**

- If so, the Partnership Engagement Officers under the Secondary Education Inclusion Partnerships can offer support and advice to schools
- Have you read the “profile risk factors” for EBSA?

**Has the child received a diagnosis for ADHD/Autism or displayed traits?**

- If so, have you approached ADHD solutions Autism Outreach for further guidance or referred the parent to ADHD solutions for further support?

**Have you considered entering into an Attendance Contract with the parent with the assistance of the LA?**

- The Local Authority Attendance Team can provide advice around this.

**Is issuing a Penalty Notice in this case appropriate after considering any obligations and protected characteristics under the Equality Act 2010? Please seek further advice from the Attendance Team at [attendanceteam@leics.gov.uk](mailto:attendanceteam@leics.gov.uk) if you are unsure.**

**Before referring to the Attendance Team consider as well:**

- Have you offered parents the opportunity to attend a meeting with the school?
- If parents have not taken up the offer of a meeting or support, have they been warned, in writing, that a referral will be made to the Attendance Team at Leicestershire County Council for possible legal intervention/action, Notice to Improve, Penalty Notice?

**When sending the referral via the link:**

- Ensure that you upload warning letters sent to parents with any referral.
- Send all paperwork via the referral link.
- Ensure the following is supplied via the referral link:
  - Names and addresses of parents, including telephone numbers are up to date and correct.
  - Up to date attendance registers.
  - Copies of any correspondence sent to parents and responses, including e-mails.
  - Copies of any action plans agreed with parent.
  - Chronology of interventions carried out by school before referring.
  - If referral for absence of leave in term time – (holiday penalty notice) ensure the period of absence has ended before referring and the period was for 5 days or more.
  - Ensure you are referring for the parent/carer who took the child on holiday or absence of leave.
  - Provide copies of parents request for leave, if any, and school's response if the request is refused.
  - Provide copy of letter to the parent/carer confirming the matter will be referred to the LA if the leave is taken and the request has been refused.
  - Provide copy of letter to the parent/carer if the parent did not make the request for leave but you have reason to believe the child was on holiday and you have warned them that, as a result, you will be referring to the LA for a penalty notice.

If your school is considering the legal prosecution route for attendance, you should always bear in mind the law surrounding attendance and the Statutory Defences prior to progression and referral to the Team. A school should also consider who is defined as the parent/carer in each case for the purposes of a prosecution or fine.

It is vital that any written warnings about a referral to the Attendance Team for possible Legal Intervention are sent to the parent /carer fitting the definition as set out under **s576** below.

## What is a parent's responsibility in law?

**Education Act 1996 (Section 7)** states that:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable:-

- (a) to his age, ability and aptitude, and
- (b) to any special educational needs, he may have, either by regular attendance at school or otherwise.

This means that the parent of a child registered at a school and of statutory school age has a legal duty to ensure the child's regular attendance. Failure to fulfil this duty is an offence under section 444 of the Education Act 1996 and could result in a penalty notice or prosecution.

The Statutory Defences (reasons why cases would not be progressed through the legal system) are as follows.

1. Authorised Absence - leave granted by the Head teacher.
2. Sickness - or any other unavoidable cause. Evidence presented will be assessed on a case-by-case basis.
3. Religious Observance - any day that is exclusively set aside.
4. Distance from School - the school that the child is registered is not within walking distance of the child's home and no suitable arrangements have been made by the Local Authority for either transport to and from school or enabling him/her to become a registered pupil at a school nearer his/her home. (Walking distance - Exceeding 2 miles for a child under 8 years old, exceeding 3 miles for a child aged 8 years and over).
5. Trade or business - the parent/carer can show that their trade or business requires them to travel, that the child has attended school as regularly as the nature of the trade or business allows and the child has attended school for at least 200 sessions during the preceding 12 months.

## Compulsory School Age

A child is of statutory school age from the first full term after they reach their 5th birthday until the last Friday in June in the academic school year that the child reaches the age of 16.

Therefore, if a child turns 5 between:

- 1st January and 31st March, they are of statutory school age on 31st March.
- 1st April and 31st August, they are of statutory school age on 31st August.
- 1st September and 31st December, then they are of statutory school age on 31st December.

The legal responsibility for parents to ensure regular attendance at school or otherwise continues up to the last Friday in June in the academic year that the child reaches 16 years of age.

### Who is a parent under Education law?

When addressing concerns about pupil attendance, it is also important that staff investigate and fully understand the family composition to ensure all parents as defined by the Education Act are identified. The Local Authority and school will need to decide who comes within the definition of parent in respect of a particular pupil when using the legal measures, but generally parents include all those with day-to-day responsibility for a child

**Section 576** of the Education Act 1996 defines a parent as:

1. All natural parents, whether they are married or not;
2. Any person who has parental responsibility for a child or young person; and,
3. Any person who has care of a child or young person i.e., lives with and looks after the child.

### Who has parental responsibility?

- Parents married to each other at the time of a child's birth have shared parental responsibility.
- Fathers who are unmarried at the time of a child's birth prior to 2003, even if their name is on the birth certificate, do not have parental responsibility unless: (a) they have a parental responsibility order, (b) have a residency order or (c) become the legal guardian of the child.

From 2003 fathers that are unmarried at the time of birth but are named on the birth certificate do have parental responsibility.

**It is important that staff and parents understand that the definition of a parent under the Education Act 1996 is wider than the definition of parental responsibility.**

School based attendance officers should continue to monitor attendance during and following any referral to the Attendance Team at the local authority to ensure any changes are sustained, any offers of support remain in place for a parent, or any decline is explored in a timely manner and the Attendance Team alerted if required.

The Attendance Team will assess cases on a case-by-case basis, following voluntary and formal support offers, to make decisions as to what, if any, legal intervention is appropriate using the range of legal powers available to us. These will be discussed during attendance meetings and assessed based on the evidence provided and in consideration of the LCC Protocol and Code of Conduct.

[Online Attendance Team referral form](#)

[Template Warning letter samples](#) (Word .docx)

## Sources of Further Information

Further information, including legal guidance, guidance on the marking of attendance registers and strategies for improved school attendance can be found in the following documentation.

### **DFE School Attendance: guidance for schools including coding**

[Working together to improve school attendance - GOV.UK \(www.gov.uk\)](#)

Summary table of responsibilities for school attendance

### **DFE Children Missing Education Statutory Guidance**

[Children missing education - GOV.UK \(www.gov.uk\)](#)

### **DFE Keeping Children Safe in Education**

[Keeping children safe in education - GOV.UK \(www.gov.uk\)](#)

### **DFE Ensuring a Good Education for Children who cannot attend school because of Health Needs**

[Education for children with health needs who cannot attend school - GOV.UK \(www.gov.uk\)](#)

### **Elective Home Education**

[Elective home education - GOV.UK \(www.gov.uk\)](#)

### **Toolkit for schools communicating with families**

[Toolkit for schools communicating with families to support attendance](#)