

Going to school regularly is important for lots of reasons and for many children it's a positive and successful experience. However, there are children and young people who find going to school challenging, including some with special educational needs.

For any child, being in school and feeling comfortable and safe there depends on a wide range of different things - from the school environment, to relationships with staff and other children and the support that's on offer. When things change at home or in school, that's when you may see changes in your child's attendance at school and how they feel about going.

This information is about attendance and absence - whether your child is in lessons and in school, or not. There is information about the law, and your responsibilities as a parent, different kinds of absence and what to do if your child is struggling to be in school. Finally, there is information about the legal sanctions that can be put in place if a child is repeatedly not in school without a good reason.

If your child is struggling to be in school because of anxiety, or for emotional or mental health reasons, you may find it helpful to read our information about emotionally based school non-attendance (EBSNA) too. You can find it on our website or contact us for a copy.

Why is being at school and in lessons important?

Being in school is important for your child for many reasons.

- It supports your child's all-round development, and it helps them to form positive relationships with other children and develop socially. That leads to better mental health and wellbeing.
- Being in school regularly helps young people to prepare well for being an adult.
- It's important as a way of identifying any needs a child may have and helps them get the right support.
- It helps to keep children safe and reduces the chances of significant harm both now and in later life. For example, there is a link between poor school attendance and being involved in criminal activities.

There is also a clear link between how well a child attends school and their educational achievement. Those children who achieve good scores in GCSEs and A levels have had higher attendance at school and fewer absences. Children with fewer missed days at school are also more likely to reach the expected standards in reading, writing and maths at the end of Key stage 2.

If your child isn't going to school full-time, or not going to all the lessons when they are there, you're not alone. The number of children missing school has been slowly increasing for many years. Since the Covid pandemic that increase has got bigger and the number of children regularly not in school is rising.

What the law says about school attendance

The law entitles every child of **compulsory school age** to an efficient, full-time education suitable to their age, aptitude, and any special educational needs they may have.

In legal terms, **compulsory school age** is from the start of the school term following your child's fifth birthday, until the last Friday in June in the school year when they reach 16.

As a parent, or as someone with parental responsibility, you have a legal responsibility to make sure your child gets that education either by going to a school, or by some form of education other than at a school.

If your child is **registered at a school** (on their roll) you also have a legal duty to make sure your child goes to that school regularly. This means your child must be in school every day that it's open, except in a small number of circumstances. These include being too ill to attend or being given permission for an absence in advance from the school. You can find out more about authorised and unauthorised absences below.

Every school will have a member of staff responsible for attendance, often called the attendance officer. In Devon there are also School Attendance Support teams. They offer advice and support to schools.

What is the difference between authorised and unauthorised absence?

Every school has an admissions register, which lists each child that should be here. It's sometimes called the 'school roll'.

As well as having an admissions register, every school must also have an attendance register. They must take the attendance register morning and afternoon. When a child isn't in school, it's recorded with a specific code depending on the reason for the absence.

School absence can be either authorised or unauthorised.

Authorised absences are pre-agreed or for a valid reason (see list below). **Unauthorised absences** are not.

If your child's absence is **unauthorised**, then staff at school will contact you. They have a duty to find out why a child isn't in school, if no reason has been given. If there is not a reasonable reason for the absence, then eventually that could leave you open to a possible fine or even prosecution. You can find out more about that in the section about fines and prosecution below.

The following types of absence will usually be **authorised** by a school.

- Illness – this can be physical or mental.
- Health and dental appointments.
- Suspension or permanent exclusion.
- Being educated somewhere else apart from school – such as an off-site direction or for work experience.
- Being on an agreed part-time timetable (see below).
- Where you've got the schools permission in advance – this is sometimes called being granted a leave of absence. This can be for things like study leave or going to an interview, or for exceptional circumstances. These are decided individually, based on the particular situation.

If you know your child is not going to be in school for a specific reason, such as a health appointment, tell the school as soon as you can. All schools will have their own process for you to follow to report an absence. That is usually shared with parents at the start of every year and on the school's website.

Staying in touch with your child's school is important, so whatever the reason for the absence, contact the school every day. If your child is regularly missing school, or they are not in school for 10 days of unauthorised absence or 15 days of illness, the school must also tell the local authority.

What to do when attendance starts to become an issue

If your child is regularly not in school, whatever the reason, it's important to get help as soon as you can. The longer your child is out of school, in general, the harder it is for them to go back. So, it's important to get help as early as you can when your child starts missing lessons or school, or when your child tells you they are starting to struggle.

The focus for schools and the local authority should be on working with you and your child to improve attendance, wherever possible. If your child is likely to be unable to go to school for a long period, for example if they have a serious long-term health condition, the local authority will arrange for alternative education.

Whether your child is missing school because of things that are happening at school, at home or in both, the first thing to do is contact school and tell them. Every school should have an attendance policy, which should have the details of the school staff for you to contact. You may need to talk to different staff about day-to-day absence than you would if being in school is a longer-term or bigger issue for your child.

Some parents find it helpful to keep a diary of when their child is in school and when they're not and what is happening at these times. Often there are patterns, for example a child may be avoiding certain days or lessons, or there may be outside school influences that you can spot. It can also be a good idea to keep records of your contact with school about attendance. If you agreed something when you spoke to a staff member, try and get that agreement in writing. Keep details of any medical appointments, assessments, or meetings and all relevant letters and emails.

Ask for support and help. If something has happened at school and that's affecting whether your child goes or not, school staff should work with you and your child to resolve this. You can work with your child and school staff to develop a plan of support, which might include some services from outside school. Ask school staff how they are going to share information about attendance plans, so that staff who need to know are aware of what has been agreed.

Often what's happening at home can also affect a child's attendance. Issues such as physically getting to and from school, housing, health and family difficulties can all affect whether, and how often, a child is in school. If there are these kinds of issues, which are outside of the school's responsibility, they should work with you and with other services and agencies to help you get the support you need. Devon has an Attendance Improvement Team who work with schools to help them support families. If there are lots of services involved in supporting you, they should work together and there should be a clear plan of action. You will need to agree to the support, and take part in it, once it has been put in place.

Whatever the reasons why your child isn't in school, it's important for you to regularly meet with their school to review what is and isn't working. Your child should be involved in those discussions if at all possible. If your child is unable to go to meetings, then share their views

in another way – there are lots of suggestions about how to do that on our website. While you're waiting for extra help, you should still do everything you can to help your child go to school.

Emotionally based school non-attendance (EBSNA)

Some children with special educational needs struggle to go into lessons and into school. This is sometimes caused by an emotional or mental health need and if that's the case, it's called Emotionally Based School Non-Attendance (EBSNA). You might hear it called emotionally based school avoidance or absence (EBSA) too.

It's normal for children to sometimes be anxious and have difficult feelings about going into school. The expectation is that they should still be in school, but with support and reasonable adjustments to help them manage.

If your child is not in school because of significant emotional or mental health difficulties, it's important to tell school that, every day that they are not in. This should be classed as 'illness' and their absence then becomes 'authorised'. Department for Education guidance says that "School staff must record absences as authorised where it is not possible for a pupil to attend due to illness (both physical and mental health related)." Sometimes this does not happen. If this is the case for you, talk to your child's teacher, SENCO or a senior staff member about the situation. You can also contact us for advice.

If your child is regularly not going to school because of emotional or mental health reasons, it's a good idea to speak to your GP too. Encourage your child to go with you if they can manage it. Seeing a GP can help to show what your child's needs are and what support may be helpful. Department for Education guidance says however that "there is no need to routinely ask for medical evidence to support recording an absence for mental health reasons." In the long-term, if EBSNA continues, getting medical evidence to say that your child cannot go to school for health reasons can be useful to help you get the right support.

We have information about EBSNA which explains more about this and the support that is available. You can find it on our website or contact us for a copy.

Part-time timetables

If a child is struggling to be in school full-time, very occasionally a school may put a part-time or reduced timetable in place. This can help to reduce the load for a child or help them to gradually get back into school full-time. It would usually be used alongside other types of support in school and at home. In Devon, a part-time timetable is usually only in place for around six weeks and how well it's working is regularly reviewed. The aim of a part time timetable is usually to help a child gradually build up to going to school full time.

For a part-time timetable to be put in place the following will need to happen:

- Your written agreement for your child to have a temporary part-time timetable. You might hear this called an Annex R.
- That school can show that it will be of benefit for your child and there has been a risk assessment.
- If your child has an EHC plan there should have been an annual review of it – that may have happened earlier than was planned.
- If your child needs a part-time timetable because of a health issue, they should also have an Individual Healthcare Plan.

Thinking about educating your child at home?

Some parents consider home education if their child is struggling to be in school regularly and full-time. Some of these are families with a child with special educational needs or disability who are finding the school environment extremely challenging.

For this group of parents, educating their children at home is less likely to be an active choice, but more likely to be a response to the difficulties a child is having being at school. Feeling like there is no choice but to

educate a child at home puts many families under pressure and in a difficult position.

If your child is finding school very difficult and they're not regularly in school, you shouldn't feel pressured into 'choosing' home education. There are other options. If you want to find out more, read our web page about home education. If you want to discuss your situation and get advice, contact us.

Flexi-schooling

Flexi-schooling is a mix of going to school and home schooling. Your child would be registered at a school but only go part-time. The rest of the time they would be educated at home. Flexi-schooling is only considered if there are positive reasons for doing it, and everyone agrees that it's in your child's best interests.

This kind of arrangement is unusual and is done on an individual basis. It can only be put in place with the agreement of the head teacher, alongside other professional advice. Schools do not have to agree to it.

Flexi-schooling can be a long-term or short-term option. It's sometimes put in place to support a child back towards full-time attendance in school, for example going back into education after an illness.

Devon has a flexi-schooling policy where you can find out more, or you can contact us for advice.

Children with an Education Health and Care (EHC) plan

The law and rules around attendance are the same for a child with an EHC plan as they are for a child without one.

If your child has an EHC plan and is beginning to struggle with going to school, or staying there, the first thing to do is to talk to your main contact at school or the SENCO. Talk about the things that are preventing your child from being in school and see whether the support they have needs to be changed or increased. You may need to work with services from outside school as well. With the school staff, make a plan to put any new or increased support in place and set dates to review it.

If these changes are not right or not enough, and your child is still struggling to be in school, talk to the SENCO about whether the EHC plan may need to be reviewed. EHC plans should be reviewed once a year, but you can ask for an early review of a plan if the situation for your child has changed.

At the review, you can ask to discuss the options available for your child's education. These might include:

- a reduced or part-time timetable
- alternative provision - these are places and services that provide education for children who can't go to a mainstream school
- flexi-schooling
- a different type of school setting, such as specialist school instead of a mainstream one
- dual placements - children with EHC plans can go to more than one school, usually a mainstream and a special school
- EOTAS – this is Education Otherwise Than At School. If the local authority agrees it is not appropriate for your child's SEND support to be given in a school, it can agree to arrange for it to be delivered somewhere else. This could be at home. The local authority is responsible for arranging and paying for the support.

Your child's school and the local authority will always aim for your child to be in school whenever possible and these other options are uncommon. It's a good idea to get advice about any of them. You can contact us for information and support.

Fines and prosecution for non-attendance

If your child is not in school regularly, the focus should be on supporting them and not on legal enforcement. Department for Education guidance for schools stresses that school staff should have support in place for children with SEND who are finding it hard to be in school. The focus is on working with you and your child to find out what is stopping them being there and removing those barriers wherever possible. If you think legal action is being considered then contact us for advice. Don't ignore it, as the consequences for you can be serious.

Taking legal action against parents should be a last resort. Deciding whether to do that should always be done on an individual basis and other support and options should have been tried first.

There are several things that could be put in place by school. You will be asked to go to a meeting with school staff and either a school or local authority Attendance Improvement Officer to discuss these options.

Attendance contract

An attendance contract is agreed between you, your child and the school and/or local authority. It is voluntary and not legally binding, but it sets out formally what is expected and agreed between you. An attendance contract has to be agreed with you and you cannot be forced to take part in one. The contract should set out the support that is going to be put in place and your agreement to comply with your part of that. It might include the things you will do to get your child into school every day and agreeing to go to meetings and take part in the support that's offered. Attendance contracts are usually in place for between three and 12 months.

Education Supervision Order

If you do not stick to an attendance contract or an attendance contract isn't thought to be of use, the local authority can apply for an Education Supervision Order (ESO). Before deciding whether to issue an ESO, someone from the local authority must meet with you to talk about it. If other services are involved, they may be part of that meeting too.

This is a legal intervention, not prosecution. It formalises the plan drawn up between you, your child (if it's appropriate) and the school and other agencies, to get your child back into school full-time. The local authority applies to a Family Court for an ESO and it lasts for at least a year and up to three years. Social care will also be told about any family given an ESO.

If the order is granted and you do not follow it, you can be fined up to £1000. Fines are also called penalty notices.

An ESO can run alongside a penalty notice or prosecution (see below), as well as being a standalone option.

Attendance prosecution

An attendance prosecution happens in a Magistrates Court. This can happen either when other options have been tried and not worked, or where other support is thought to be inappropriate because a parent will not engage with it. If you're found guilty, you can be given a fine of up to £2500, a community order or even a prison sentence of up to three months.

The court can also issue a parenting order. These set out things that you must do, such as counselling or guidance sessions aimed at getting your child back into school.

You can find out more about legal intervention and attendance on the Child Law Advice website and in the Department for Education attendance guidance.

If you're worried about being fined or prosecuted, or about anything related to your child's attendance at school, you can contact us for information and advice. We can help you think about your options and get the right support.

Need more information?

Department for Education

Working together to Improve school attendance
www.gov.uk/government/publications/working-together-to-improve-school-attendance

Department for Education

Mental health issues affecting and child's attendance
www.gov.uk/government/publications/mental-health-issues-affecting-a-pupils-attendance-guidance-for-schools

Devon County Council

Attendance Improvement
www.devon.gov.uk/support-schools-settings/inclusion/attendance-improvement/

Child Law Advice

School attendance and absence
childlawadvice.org.uk/information-pages/school-attendance-and-absence/

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