



A staged approach to intervention

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Introduction

Evidence shows that securing excellent attendance at school is key to ensuring positive outcomes for children and young people. Missing lessons leaves children more vulnerable to falling behind, creating gaps in their learning, reducing their grades, and diminishing their self-confidence. Being in school also helps to keep children and young people safe. Good attendance routines start from the earliest stages of education. We know that children who regularly miss school in reception class will most likely go on to have poor attendance at secondary school. Whilst parents are responsible for ensuring their child goes to school every day and is ready to learn, we need to work together in partnership to make this a reality for every child.

Children and young people who miss school on a regular basis can become socially isolated; they can lack confidence and have low self-esteem. Children can feel like they 'don't fit in' with their peers, and this can lead to loneliness. We also know that young people who regularly miss school are at greater risk of anti-social behaviour and child exploitation and are more likely to become victims of crime. School is not just about academic success and attainment; it is about learning about the world, about relationships, and about ourselves. It is about trying new things, making new friends, and finding our place in the world. To miss school is to miss the many experiences that shape the choices we make, the opportunities we have, and the quality of life that we lead.

Local authority and school policies, procedures and practice can all have a substantial impact on rates of attendance in school. When there is a focus on encouraging and motivating children to attend, coupled with swift follow up action when attendance declines then good overall attendance can be secured.

This guidance reflects the guidance from the Department for Education '[Working Together To Improve School Attendance](#)' and will support schools in Barking and Dagenham with promoting good school attendance and encourage use of a multi-agency approach, and early referrals to targeted early help services. It will provide a consistent framework for support and promote an inclusive school ethos by adopting positive relationships between the school, children and their parents.

An overview of the guidance

This guidance covers:

- A.** Actions to be undertaken by Barking and Dagenham schools to promote good attendance and the interventions undertaken to support parents/carers when their children's attendance becomes a concern.
- B.** The legal measures available to schools and the local authority where parents fail to ensure their child's regular attendance at school. This includes guidance on fixed penalty notices and prosecutions under either sections 444(1) or 444(1A) of the Education Act 1996.

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Legal framework

As part of Schools duty to safeguard children, schools must monitor attendance through the daily register. Schools should take steps to address poor or irregular attendance and where appropriate refer to the local authority. They are also required to carry out reasonable enquiries to determine the whereabouts of children who have missed ten or more consecutive school days without permission.

Local authorities also have the power to issue fixed penalty notices and pursue prosecutions against parents for failing to ensure regular attendance at school.

Our approach to reducing absence?

Barking and Dagenham Education has adopted a staged approach for improving poor school attendance.

This model has three stages:

Stage 1 - PREVENTION

Stage 2 - EARLY HELP & SUPPORT

Stage 3 - STATUTORY INTERVENTION

These three stages underpin our belief that whilst there is an appropriate role for legal enforcement measures against parents, ensuring families have the opportunity to receive effective support at an early stage is more likely to resolve patterns of poor attendance. Legal enforcement measures will therefore only be instigated as a last resort when patterns of poor attendance continue and/or evidence exists that demonstrates that parent/carer has not engaged with interventions put in place to support them to improve their child's attendance.

How will Barking and Dagenham Education work with schools?

School attendance remains a key priority for Barking and Dagenham Education. We will work in partnership with schools to improve attendance by offering support and challenge both in respect to individual children of concern, and schools where persistent and/or overall absence is a concern.

It is important for schools and the local authority to achieve the right balance between providing parents/carers with effective support to improve their child's attendance at school and the use of legal enforcement measures against parents.

This guidance will provide schools and the Education Attendance Service with a framework within which to work as part of the overall staged approach for improving poor attendance at school.

Inclusion and Attendance Service

The Inclusion and Attendance Team offer support, information, advice, and guidance to all schools to increase school attendance, through a whole school approach and is responsible for fulfilling the Local Authorities statutory duties with regards to school attendance. The Team are not Education Welfare Officers and should not be seen as a replacement for either current commissioned Education Welfare

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provision or Attendance Officers. The role is to support the local authority in its responsibilities around school attendance.

Education Statutory Service Team

The Education Statutory Service Team will lead on all statutory parental responsibility and enforcement measures including fixed penalty notices and prosecutions and is available to advise schools on the use of enforcement measures against parents in relation to absence from school.

Under the staged intervention process schools or their commissioned Education Attendance Service officer are responsible for all interventions at Stages 1 and 2; including any pre-enforcement casework to improve attendance. This includes being responsible for submitting, as part of the referral, all the necessary witness statements; attendance certificates; warning letters; meeting notes and any other supporting evidence.

Safeguarding children and young people

Poor school attendance may be a symptom of other issues in a child's life. This may require response from family support or safeguarding services in order to address any issues and secure an improvement in school attendance. This gives examples that should be considered indicative of the appropriate level for support for the concern. These are:

1. **Universal services** - Low level concerns – e.g., lateness is able to be managed by the school. Further information can be accessed through the [Barking and Dagenham's' Children's Safeguarding Partnership](#).
2. **Early Help and Targeted Early Help** - e.g., Regular truanting. Non-attendance which is not certified by health professionals / unexplained absence
3. **Children with complex or multiple needs** - e.g., Chronic non-attendance, truanting. Child/young person avoids school in order to stay safe.
4. **Children with acute and immediate safeguarding needs** - e.g., The child frequently exhibits negative behaviour or activities that place self or others at imminent risk including chronic non school attendance

If during the work to improve attendance a child is identified as having complex needs, is at acute risk of harm, or has experienced significant harm, then a referral should be made to MASH so that they can instigate a statutory response. The MASH consultation line can be contacted on 020 8227 3811 (9am-4:45pm Monday-Friday). Out of hours duty team from 4:45pm to 9am, Monday to Friday, weekends and bank holidays 0208 215 3000

Parents/carers should be made aware of referrals prior to making the referral, unless informing them would place the child at greater risk of immediate harm. Designated Safeguarding Leads can obtain safeguarding advice prior to making a referral by phoning MASH and asking for a consultation. This does not require parental consent.

If the child is at immediate risk of significant harm the police should be called using 999. Action in these circumstances overrides staged approaches to improving attendance as the priority is to protect the child.

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Where there are no other known safeguarding concerns or support can be provided at an early help level then schools should follow the steps in this guidance to bring about an improvement in attendance.

Stage 1: Prevention (needs met by services available to all)

Support provided by: Schools

Children with levels of attendance between 90% and 100% will primarily receive support from their school through whole school approaches to promote good attendance and in house support services such as telephone calls; texts; letters; and meetings with parents.

The expectation is that schools will:

1. Have a whole school approach that promotes good attendance and punctuality with clear roles and responsibilities throughout the school. This will be overseen by the member of the senior leadership team with responsibility for attendance.
2. Have in place a first day contacting system with parents of children who are absent from school to establish why the child is absent, and when the child is expected to return
3. Actively monitor school attendance and initiate in house interventions when appropriate such as:
 - a) Mentoring/tracking of children whose attendance starts to decline
 - b) Requesting reasons for absence when a parent/carer hasn't provided a reason.
 - b) Advisory letters to parents warning them of their child's falling attendance.
 - c) Requesting medical evidence to be provided if absences continue to occur and the reason given is illness or medical.
 - d) Late gates (with associated sanctions) to tackle poor punctuality
 - e) Holding attendance meetings with parents/carers to identify any underlying reasons for absence.
 - f) Maintaining accurate records of any meetings/interventions.
4. Escalate in a timely manner to Stage 2 when a child is in need of greater support/intervention in order to improve attendance.
5. Have a praise/reward system in place for children who exceed the school's attendance target and/or improve their attendance following support, intervention or enforcement.

*Attendance can be erratic at the beginning of the academic year and below 90% can be achieved with few absences. In these cases count back 12 School weeks (and use the previous academic year if necessary).

Stage 1 ends when the systems in schools for supporting good attendance have been unsuccessful at either maintaining attendance at an acceptable level or preventing a decline in attendance. When this occurs schools should transition to Stage 2, which provides a more focused child and family level intervention to support the child to return to good attendance.

Pupils whose attendance has reached the threshold for Stage 2 may be vulnerable and have additional needs or the family may require additional support in order to facilitate a return to good attendance.

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Barking and Dagenham Inclusion & Attendance Service can support schools on an advisory basis in developing good whole school practice and implementing interventions at Stage 1 & 2.

Stage 2: Early Help & Support

Lead service: Schools with support from external agencies

When a child's attendance continues to decline over a period of time and is at risk of falling below 90% schools should investigate to see if there are any underlying reasons for the absences. Absence from school is rarely an issue in isolation and is often a symptom of issues elsewhere that need addressing.

Casework to address persistent and severe absence

Children whose attendance has reached this point are vulnerable to becoming persistent or severely absent. Schools should consider how they will engage with a child's parents/carers to identify the reasons for absence, establish whether there are any additional needs and ensure the necessary support is put in place to improve attendance.

Attendance can be erratic at the beginning of the academic year and below 90% can be achieved with relatively few absences. In these cases count back 12 school weeks (and use the previous academic year if necessary) and if attendance is below 90% engage with the processes below.

Where a child is a risk of becoming persistent or severely absent the school should invite parents/carers to a meeting to discuss the situation. As well as the child's parents any other professionals already working with the family should also be invited. This will bring together the professional network that already exists around the child.

These meetings may have a variety of different names such as a Team Around the Child (TAC), an attendance clinic or an Attendance Improvement Meeting. The name of the meeting is secondary, the importance is that the school meets with (or attempts to meet with) the child's parents/carers.

The primary purpose of the meeting is to listen to the parents/carers (and the child if it is appropriate to do so) in order to understand any barriers to regular school attendance that may exist and then identify the appropriate support needed to overcome these.

The meeting should then draw up a plan that sets out what the school, the parents/carers, the child and any agencies involved will do to overcome any barriers to regular attendance. The plan should not be limited to improving school attendance but also consider what further additional support that may be needed by the child or their family. Parents carers should be invited to any meeting in writing. This letter must advise parents of their legal obligations in relation to regular attendance at school.

Interventions and support should be tailored to the issues identified at the meeting with parents. Possible interventions that could be agreed include, for example, additional in-school pastoral support and intervention; referring the child and/or the family to external support services; or undertaking specialist assessment such as those by CAMHS or an educational psychologist.

Schools should also consider formalising an improvement plan in the form of a Parenting Contract. This would set out the agreed actions that will be taken by the parent/carer, the school and any other services

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involved. This should be signed by all parties to the contract. Schools should inform the Barking and Dagenham Attendance Lead when conducting or already completing a Parenting Contract. (See Appendix B for sample of a Parenting contract)

There is no obligation to offer a Parenting Contract and parents cannot be compelled to sign the contract however consideration should be given to formalising the plan in this format. Further details on Parenting Contracts can be found in the DfE guidance, '[Working Together to Improve School Attendance](#)'. Secondary schools should, if considered appropriate, involve the young person in drawing up the contract if it is felt their involvement would be beneficial in securing an improvement in attendance.

If the parent/carer did not attend the meeting and no communication has been received declining this meeting, a letter should be sent notifying them either of further meetings in school or a home visit with the same intention of drawing up a plan to improve the child's attendance at school. If the parent then agrees, proceed as planned. However if the parent continues to not engage then set the monitoring period as if the plan had been agreed. The meeting should occur irrespective of the engagement of the parent/carer.

If a parent does not attend the meeting or declines all offers of support the school should discuss the matter with their designated safeguarding lead and consider whether a referral to MASH is necessary. In considering this school should consider the [Barking and Dagenham's' Children's Safeguarding Partnership](#). Parents/carers must be sent copies of the minutes and agreed actions taken at meetings and any subsequent review meetings whether they were present or not.

At the meeting if the absences are currently being authorised this should be reviewed and consideration given as to whether future absences should continue to be authorised and if so on what grounds. Parents must be advised if they are required to submit medical evidence in order for further absence to be authorised.

Where a child has recurring time off with illness; advice should be sought from appropriate medical practitioners (e.g. GP, school nursing service, any medical specialists the child is seeing) to establish whether the time off is consistent with the medical condition cited and assist with identifying what additional support or interventions may be needed.

At the initial meeting a review date should be set, which brings together all the professionals involved in the network. This date should allow sufficient time for any support or interventions to be both put in place and have an impact. Four weeks is suggested as this will allow sufficient time.

At the review meeting, depending on progress, one of three things could be decided.

These are:

1. The intervention is closed as sufficient improvement has been achieved and the child can be supported at Stage 1;
2. Further targets are set, with appropriate support identified and a new review date set; or
3. The intervention has not been successful and the parent/carer has not engaged with the support, the meeting may decide to refer the parent to Barking and Dagenham Inclusion & Attendance Team for a Vulnerable Pupil Hot Clinic before moving to Stage 3 consideration of statutory intervention.

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In some cases, especially where parents/carers have a history of poor engagement with support services, it may be appropriate to run the pre-statutory intervention casework process in parallel with the child's improvement plan.

The balance around the amount of support undertaken and when it is appropriate to initiate a referral to Stage 3 for consideration of legal intervention should be judged on a case-by-case basis. Such judgements will depend on the complexity of the child or parents' circumstances and the support needed versus the level of parental engagement with the agreed plan.

However, in order for a case to be considered by the local authority for prosecution, there should be evidence that, at a minimum, the school has undertaken the following at Stage 2:

1. Identified and sought to address any underlying reasons for absence;
2. Written to the parent/carer to advise them that their child was not attending school regularly and that they could face legal intervention if there is not an improvement (warning letter).
3. Convened an initial meeting (involving the parents/carers and any professionals involved with the family).
4. Devised and implemented an improvement plan and/or parenting contract;
5. Offered parents/carers a referral to the MASH Early Help Hub for additional support
6. Held a review meeting following an implementation and monitoring period;
7. Sent the parents/carers copies of all correspondence and any plan/decisions following meetings in their school or at their home address if they did not attend or engage with the process at the school.

Only once Stage 2 interventions have been exhausted should a decision be made by the professional network whether to refer to local authority for possible legal intervention.

In the event of a disagreement within the professional network the school will make the final decision on whether or not to refer but any objections by other agencies should be noted on the referral to Barking and Dagenham Inclusion and Attendance Team, so that this can be taken into account before making a decision on how to proceed.

Staged intervention is a continuing process and is designed to cross over the academic year. For example if a child whose attendance was declining in July but was still at Stage 1 interventions and then, following the summer break, their attendance continues to decline then an early move to Stage 2 interventions in September would be warranted.

Stage 2 does not end when the decision is made to refer to Barking and Dagenham Education Statutory Service Team for a Stage 3 statutory intervention. Following a referral for Stage 3, schools, and other agencies should continue to work with parents/carers to secure an improvement in attendance using the plan-do-review approach as set out in this stage..

Severely absent children

Children who have attendance below 50% are classified as being severely absent. These children are at significant risk of educational underachievement and therefore have their long term prospects impacted. In some cases this level of absence may constitute neglect. Therefore these children should be the highest priority for support and intervention by schools and associated education, social care and health

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services. Schools should have an Attendance Action plan in place for all Severely Absent children. The Attendance Action plan should show the reasons for absence and a chronology of all interventions and communication had around the child.

Schools should follow the above procedures for these children in order to identify and address any barriers to attendance for these children. In addition School Attendance Officers/Leads should discuss such severely absent children with the school's Designated Safeguarding Lead (DSL) to consider whether a referral to MASH would be appropriate for statutory social work intervention. These children may well be children in need as defined by the Section 17 of the Children Act 1989. DSLs can contact the MASH consultation line on 020 8227 3811 for advice on whether a referral would be appropriate. Schools could also discuss these cases with their Education Inclusion Partner and/or the Barking and Dagenham Attendance Lead for further advice.

Vulnerable Pupils Hot Clinic (VPHC)

Where barriers to attendance for a pupil or family are complex and signposting to services is not sufficient, schools, local authorities, and other services will work together to provide more intensive whole family support to address them as soon as it becomes clear they would benefit from it. Schools and local authorities are also specifically expected to have agreed a joint approach for all severely absent pupils.

The VPHC hot clinic is a key element of the process of successfully working with children and young people. A hot clinic incorporates a whole range of agencies. The aim is to identify vulnerable children earlier and more efficiently through better information-sharing, enabling agencies to act quickly. The clinics and referral into them is so that professionals can discuss vulnerable pupils where there is a concern about poor attendance. Referrals are made following the VPHC referral system after the schools attendance policy process has been followed and attendance concerns remain, school should speak with their Inclusion Partner or the Education Attendance Lead.

In some cases it may be appropriate to use legal intervention measures to try and secure regular school attendance. If schools believe this to be the case this can also be discussed with the Barking and Dagenham Education Attendance Lead.

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Stage 1 – Prevention
Can attendance be improved through stage 1 measures?

YES

Continue to use stage 1 measure to improve attendance

NO

Are there safeguarding concerns?

YES

Stage 3 – Statutory Intervention
Refer to MASH

NO

Stage 2 – Early Help & Support
Send Attendance concern letter
Invite parents/carers to a meeting



Convene a meeting with parent/carers
Invite parents/carers & any other agencies involved
Identify reasons for absence
Devise improvement plan with review period
Make any referrals to Early Help or other services
Consider parenting contract

Are there further absences?

YES

Send Attendance or Fixed Penalty Warning letter
invite parent/carers to an Attendance Review Meeting

NO

Revert to Stage 1 measures to sustain the improved attendance

Convene a review meeting with parent/Carers
Invite parent/carers & all other agencies involved
Review improvement plan/Parenting contract

Are there safeguarding concerns?
Does the review meeting feel it is appropriate to refer for statutory attendance interventions?

NO

Update the improvement plan/parenting contract
Make further referrals if appropriate
Set new review actions and review period

YES

Stage 3 – Statutory Intervention
If there are safeguarding concerns refer to MASH
Or follow the process for Fixed Penalty Notice of Prosecution

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Stage 3: Statutory Intervention

Statutory intervention by Barking and Dagenham Council can take the form of either:

- Statutory children's social care involvement; or
- Attendance legal intervention (e.g. a fixed penalty notice or prosecution)

Statutory Social Care Involvement

Where there are safeguarding concerns School Attendance Officers/Leads should discuss their concerns with the school's DSL to see whether there are sufficient safeguarding grounds for referring to Children's Social Care. Significant levels of absence from school may constitute neglect and require the intervention of statutory children's social care to effect change in outcomes for the child. The decision to refer should be discussed with parents/carers, ideally at the meeting convened to discuss the child's attendance.

Referrals for statutory children's social care intervention can be made to Barking and Dagenham's MASH. Schools should complete the online form by clicking on the link [MASH referral form](#).

Schools should refer to the [Barking and Dagenham's' Children's Safeguarding Partnership](#) when considering whether there are sufficient grounds for a referral to Children's Social Care.

Parents/carers must be notified of the referral to ensure they are aware of it prior to it being made. The only exception to this is where informing the parent/carer of the referral would place the child at increased risk of significant harm.

DSLs can obtain advice on potential referrals from the MASH Consultation Line on 020 8227 3811.

Attendance Legal Interventions

The Barking and Dagenham Education Statutory Service Team is responsible for leading all statutory legal intervention work in relation to fixed penalty notices and prosecutions.

Fixed Penalty Notices

Fixed Penalty Notices are the most appropriate intervention where a child has relatively small amounts of unauthorised absence over a short period of time and can act as the drive for parents to address any underlying issues themselves before they become harder to resolve.

All fixed penalty notices must be issued in accordance with [Barking and Dagenham's Penalty Notice Code of Conduct](#). Prior to referring to Barking and Dagenham Education Statutory Service Team for a fixed penalty notice parents must be issued with a warning letter. This may be issued by the school or their commissioned Education Attendance Service officer. A good form of practice would be to present the warning letter to parent in a meeting or a home visit where parent can be appropriately informed on the next steps. Should there be further unauthorised absences then a referral can be made to Barking and Dagenham Education Statutory Service Team for a fixed penalty notice to be issued under Stage 3.

Referrers wanting to submit a referral for a fixed penalty notice should submit a referral form along with the required supporting documentation to Barking and Dagenham Education's Statutory Service Team on Educationprosecutions@lbbd.gov.uk.

All referrals should consist of:

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- A completed Penalty Notice Request referral form;
- A copy of the penalty notice warning letter; and
- An attendance summary showing the unauthorised absences for the period under consideration.
- For unauthorised holidays/leave of absence a copy of leave request and letter from the school declining the leave should be submitted. Where leave has been taken that has not been requested in advance the school should write to the parents explaining that they believe they have been on an unauthorised holiday in term time and that they will be referred for a penalty notice. This allows the parent to make representation to the school prior to referral.

Upon receipt the Courts Officer will:

1. check to ensure the referral is in line with the Penalty Notice Code of Conduct; and
2. determine whether it is in the public interest to issue.

If both of those apply then a fixed penalty notice will be issued. Once issued parents/carers then have 28 days to pay. If the penalty notice is paid within the first 21 days the amount to be paid is £60. If it is paid between the 21st and 28th day it is £120. A penalty notice should only be withdrawn after issue for one of the following reasons:

- It was issued outside the terms of the local code of conduct;
- It ought not have been issued to the person named as recipient;
- It appeared the notice contained material errors; or
- After 28 days the penalty was unpaid and the local authority did not wish to bring legal proceedings.

If a penalty notice remains unpaid at the end of the 28 day period Barking and Dagenham Education Statutory Service Officer will consider bringing a prosecution under Section 444(1) of the Education Act 1996.

Following non-payment of a penalty notice the Education Statutory Service Officer will send parents a PACE Court Warning Letter/Questionnaire. The purpose of PACE Court Warning questionnaire is to establish whether any of the statutory defences apply and consider any other factors as set out in 'The Decision to Prosecute'. Following this Barking and Dagenham Education will decide whether or not to pursue a prosecution or withdraw the fixed penalty notice.

The penalty notice will normally only be withdrawn if it is not considered to be in the public interest to pursue a prosecution. In most cases this will be when new information has come to light since the penalty notice was issued. The decision to withdraw a Penalty Notice after issue must be agreed with the Head Teacher and the Education Statutory Service Officer.

The Education Statutory Service Officer may require additional information from the school regarding the support offered to improve attendance prior to making a decision.

If it is decided to proceed with a prosecution the Officer will prepare:

- A witness statement; and

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- A pack containing all the supporting evidence ready to submit to the magistrates' court.
- Schools will need to complete the Attendance Certificate signed by the Head Teacher.

Prosecutions will follow the Single Justice Process.

Referral to the local authority for prosecution

Following completion of casework to improve attendance (either carried out by the school or Contracted Attendance Service) the professional network around the family decide to refer to Barking and Dagenham Education for a Stage 3 legal intervention, the Education Statutory Service Officer will first review the referral. This is to ensure all the required paperwork has been submitted and that none of the statutory defences apply.

The referrer should submit the following to the Courts Officer:

- A witness statement covering their work
- A certificate of attendance signed by the head teacher
- Copies of exhibits (i.e. minutes of meetings, letters, plans, etc)
- Chronology of events
- Copy of Warning letter
- General Disclosure form
- Attendance summary

The Education Statutory Service Officer will quality assure the paperwork to ensure that they are of a suitable standard to be presented in court, that the required work has been undertaken at Stages 1 and 2 and that they are compliant with the rules of evidence. In some cases the school may be invited to attend an Attendance Legal Planning Meeting with the Courts Officer to discuss the referral and supporting evidence.

Once satisfied the Courts Officer will send the parents/carers a PACE Court Warning Letter/Questionnaire. The letter/questionnaire will ensure parents are aware of the criminal offences they face, know their rights as set out in the Police & Criminal Evidence Act 1984 and provide information to enable Barking and Dagenham Education to assess whether any of the statutory defences apply.

If it is recommended that the case proceed to prosecution the Courts Officer will finalise case papers for the Director's authorisation. Once authorisation has been obtained they will book a court date and refer the case to the local authority's legal department who will present the case in the Magistrates Court. Prosecutions will follow the Single Justice Process.

Witnesses will be expected to attend the Magistrates Court to give live evidence where defendants plead **not guilty** to the offence.

The decision to prosecute

The local authority has the authority to prosecute parents/carers who fail to ensure their child attends school regularly. It does not have a duty to prosecute every case that is referred to it.

When considering a case for prosecution the Courts Officer has to consider a number of factors as set out in the Code for Crown Prosecutors before deciding to proceed. These are:

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1. A duty to be fair, independent and objective, not letting any personal views about ethnic or national origin, sex, religious beliefs, political views or the sexual orientation influence decisions and not being affected by improper or undue pressure from any source.
2. Obligation to act in the interest of justice and not solely for the purpose of obtaining a conviction.
3. Duty to review, advise on and prosecute cases, ensuring that the law is properly applied, that all relevant evidence is put before the court and that obligations of disclosure are complied with.
4. Duty to act in accordance with the Human Rights Act 1998.
5. Application of the evidential test – is the evidence sufficient to provide a realistic prospect of conviction?
6. Application of the public interest test – is it in the public interest to proceed with a prosecution?

If the local authority decides not to prosecute it could decide to:

- Take No further action
- Administer a Simple Caution
- Apply for a Parenting Order

All prosecutions will be authorised by the Director of Education (or other senior officers with delegated authority from the Director to do so on their behalf as set out in the scheme of delegation).

If the decision is taken to not proceed with a prosecution then the Education Statutory Service Officer will communicate with the Attendance Lead at the referring school to explain why this decision has been taken.

The offences

If the local authority decides to proceed with a prosecution parents could be charged with one of two offences under the Education Act 1996.

Section 444 (1) states:

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence.

Section 444 (1A) states:

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school and the parent knows that his child is failing to attend regularly at the school and fails without reasonable justification to cause him to do so, he is guilty of an offence.

The decision as to whether to prosecute under 444(1) or 444(1A) will be made on a case by case basis at the time, based on the available evidence and circumstances of the case.

Possible outcomes following a prosecution

If found guilty in the magistrates court parents/carers could face the following possible outcomes

- a. Absolute discharge – no conditions attached, case dismissed.

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- b. Conditional discharge – parent/carer receives no punishment on the condition that, in a period set by the court (not more than three year), no offence is committed. If any offence is committed during the period, the offender may also be re-sentenced for the original offence for which the conditional discharge was given.
- c. Fines – amount of fine is determined by the courts but up to £1000 for convictions under section 444(1) and up to £2500 for convictions under section 444(1A).
- d. Imprisonment – custodial sentences of up to three months for convictions under section 444(1A).
- e. Parenting Order – courts can issue a parenting order, which requires the parent/carer to attend a parenting programme as determined by the local authority.

The Education Statutory Service Officer will report back to the school the outcome of any prosecution.

If after a referral has been made to the Local Authority for a Stage 3 intervention and attendance continues to fall schools should decide on whether to refer to the local authority for a further prosecution for a new period of absence.

Appendix A - WHOLE SCHOOL ATTENDANCE STRATEGY

<p>School leaders All pupils You may want to:</p> <ul style="list-style-type: none"> • deliver clear messages about expectations, routines and consequences through prospectus and admission/transition events • regularly communicate expectations for attendance and punctuality and school performance through your regular channels of communication with staff, pupils and parents • establish and monitor implementation of rewards for attendance and punctuality and sanctions for absence and lateness • monitor implementation of policy and practice, for example through: <ul style="list-style-type: none"> • form time drop in • shadow late gate • planner checks • monitor whole school data regularly to identify reasons for absence, patterns, attendance of particular groups and the impact of interventions • establish, implement and monitor robust arrangements to identify, report and support children missing education (CME) • develop good support for children with medical conditions (including the use of individual healthcare plans), mental health problems and special educational needs (SEND) • ensure that parents fully understand the demands and responsibilities of elective home education <p>Pupils at risk of persistent absence You may want to:</p> <ul style="list-style-type: none"> • establish robust escalation procedures which are initiated before absence becomes a problem, for example by: <ul style="list-style-type: none"> • sending letters to parents and carers 	<p>Teaching staff and tutors All pupils You may want to:</p> <ul style="list-style-type: none"> • rehearse and reinforce attendance and punctuality expectations continually • emphasise the importance of attendance and its impact on attainment • promote rewards and celebrate progress but continue to outline sanctions • follow up on absence and lateness with pupils to identify barriers and reasons for absence • contact parents and carers regarding absence and punctuality • review form or tutor group attendance weekly to share data, identify issues, intervene early and help set targets • proactively promote attendance practice as part of staff induction • consider the individual needs and vulnerabilities of pupils <p>Pupils at risk of persistent absence You may want to:</p> <ul style="list-style-type: none"> • welcome pupils back following an absence and provide good catch up support to build confidence and bridge gaps. • meet with pupils to discuss absence, patterns, barriers and problems • lead daily or weekly check-ins to review progress and the impact of support • make regular contact with families to discuss progress • consider what support for re-engagement might be needed, including for vulnerable groups <p>Pupils who are persistently absent You may want to:</p> <ul style="list-style-type: none"> • prepare supporting resources to ensure pupils can access learning when they return 	<p>Attendance officers, pastoral staff and family support workers All pupils You may want to:</p> <ul style="list-style-type: none"> • engage with feeder schools or organisations to access absence information in order to identify target cohorts prior to transfer, including mid-year transfers and managed moves • carry out robust first-day calling procedures including priority routine for vulnerable children including children with a social worker • undertake home visits in line with your policy to engage families and ensure children are safe • identify and, where possible, mitigate potential barriers to good attendance in liaison with families and relevant support agencies • implement punctuality routines such as late gate or sign in procedures • implement children missing education (CME) procedures when appropriate • ensure that that parents fully understand the demands and responsibilities of elective home education (EHE) • where pupils have additional vulnerabilities which may require multi-agency meetings try to arrange those meetings outside of lesson time, where possible <p>Pupils at risk of persistent absence You may want to:</p> <ul style="list-style-type: none"> • provide regular attendance reports to tutors to facilitate weekly reviews with leaders (including special educational needs coordinators, designated safeguarding leads and 	<p>Local authorities and external partners All pupils Local authorities may want to:</p> <ul style="list-style-type: none"> • monitor and interrogate local and national data, feedback from schools and intelligence from partner agencies to develop an LA wide strategy to improve attendance and monitor impact (including join up with early help, children's social care and other LA services) • monitor and share relevant absence information with schools for specific groups of pupils including those with protected characteristics • maintain regular communication and build relationships with school leaders through local networks and forums, to share local and national data, • use your children's services team to facilitate community strategies and initiatives, • engage partners from virtual school, early help and social care teams to ensure that they understand attendance expectations and ensure that the vulnerable cohort they serve are supported to sustain good levels of attendance • work closely with local health services and school nursing teams to ensure practitioners understand attendance requirements/responsibilities and work collaboratively with them to link families into the right support • connect with targeted services and make full use of VCS partners to understand current service delivery, service pressures and to facilitate appropriate signposting • establish and implement robust children missing education (CME) procedures to follow up reports from school and other educational organisations • ensure that parents fully understand the demands and responsibilities of elective home education (EHE) <p>Virtual School Heads may want to:</p>
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A staged approach to intervention

<ul style="list-style-type: none"> • having a weekly tutor review • creating attendance clinics • engaging with local authority attendance teams and/or independent attendance organisations • using fixed penalty notices <ul style="list-style-type: none"> • engaging with children’s social care staff, including Virtual School Heads and social workers where appropriate <ul style="list-style-type: none"> • establish a range of evidence-based interventions to address barriers to attendance • monitor the implementation and quality of escalation procedures (and intervention), for example: <ul style="list-style-type: none"> • having a review and clinic drop in • sampling of case files • attend or lead on attendance reviews and clinics in line with escalation procedures • engage governors in attendance panels to reinforce messages and outline relevance in terms of training and employment. <p>Pupils who are persistently absent You may want to:</p> <ul style="list-style-type: none"> • establish clear and effective service level agreements with external partners to support pupils with persistent absence, including: • engage in or lead on attendance reviews and clinics in line with escalation procedures 	<ul style="list-style-type: none"> • develop targeted intervention to address gaps and build pupils’ confidence (including considering small group additional support) • contribute to action plans which attendance staff draw together where appropriate • provide tailored praise and encouragement when pupils attend and arrive on time 	<p>pupil premium leads) for monitoring and evaluation purposes</p> <ul style="list-style-type: none"> • initiate and oversee the administration of absence procedures. This could include: <ul style="list-style-type: none"> • letters home • attendance clinics • engagement with local authorities and other external agencies and partners • work with families and the community to identify which methods of communication work best, recognising potential barriers in hard to reach families and find methods that work and are understood • consideration if further interventions are required in line with the statutory guidance on parental responsibility measures • provide regular reports to leaders on the at-risk cohort • provide regular reports/caseloads to local authority attendance team or independent attendance organisations to raise awareness of emerging at-risk pupils <p>Pupils who are persistently absent You may want to:</p> <ul style="list-style-type: none"> • develop and implement persistent absence action plans with pupils and families which address barriers and help establish positive attendance routines • identify tailored intervention which meets the needs of the pupil, for example: <ul style="list-style-type: none"> • mentoring • careers advice and guidance input • college placement 	<ul style="list-style-type: none"> • monitor the attendance of looked-after children • set aspirational targets for attendance within personal education plans • provide training for designated teachers about their role in promoting the attendance of looked-after and previously looked-after children • provide advice and guidance to those services supporting previously looked-after children and their families about promoting and securing good attendance <p>Pupils at risk of persistent absence have a clear process for how attendance issues should be managed and escalated if unresolved, making clear when to follow different steps of intervention and involving all relevant agencies. Social workers and family support workers should:</p> <ul style="list-style-type: none"> • convey high expectations for attendance • make sure school attendance is prioritised within multi-agency plans • in line with local guidance, use children in need or other multi-agency plans to identify barriers to attendance and engage schools and services in providing early intervention support <p>For looked-after children, Virtual School Heads should ensure personal education plans identify and address any barriers to good attendance.</p> <p>Pupils who are persistently absent Local authorities may want to:</p> <ul style="list-style-type: none"> • consider using the full range of Parental Responsibility Measures (including fast track, parenting contracts and parenting orders, education supervision orders, penalty notices, and ultimately prosecution) using supportive measures alongside sanctions to change parental behaviour
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A staged approach to intervention

		<ul style="list-style-type: none"> • out of hours learning • alternative provision where appropriate • lead daily or weekly check-ins to review progress and impact of support • make regular contact with families to discuss progress • hold regular meetings or reviews of caseload with the local authority attendance team, external partners and alternative providers to check on welfare and review progress • liaise with school leaders (designated safeguarding, special educational needs coordinator and pastoral leads) on referrals to external agencies and multi-agency assessments • coordinate and contribute to multi-agency meetings to review progress and agree on actions • work in partnership with local authority attendance team and other agencies to ensure the appropriate use of statutory parental responsibility measures <p>provide regular reports to leaders on the impact of action plans and interventions</p>	<ul style="list-style-type: none"> • build relationships with families of persistently absent pupils, and provide practical support to unblock barriers to attendance • coordinate strategies and services to ensure that messages on attendance are consistent and that information is shared appropriately <p>Social workers and family support workers should convey expectations for attendance and support children and families to overcome barriers to attendance</p> <p>For looked-after children, Virtual School Heads should use personal education plans to identify barriers to attendance and secure appropriate intervention, reviewing regularly to monitor impact.</p>
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Appendix B – Example of a Parenting Contract

Attendance Improvement Parent Contract

Meeting date/time:	
Location:	
Child's name	
Date of birth	
Home address:	
School:	
Present at the meeting:	
Agreed actions:	
<p><i>Examples of possible agreed actions:</i></p> <ul style="list-style-type: none"> ● <i>Pupil will arrive at school by 8.30 every day</i> ● <i>Parent will inform the school on the first day of a sickness absence and provide a note on the child's return</i> ● <i>Parent will provide medical evidence for every sickness absence a pupil may occur</i> ● <i>School will provide the child with a mentor who they should meet with weekly</i> ● <i>School will refer to Early Help services to support the parent</i> <p><i>Please adapt these for each situation</i></p>	
Attendance target:	
Timescale for improvement:	
Date of review meeting:	

I confirm that this Attendance Parent Contract was agreed by all present. Signed:

Parent/carer:

Pupil:

School:

Other agency: