

# 'Support First'

## School attendance framework and guidance

Education Legal Intervention Team

Birmingham City Council

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# **'Support First'**

## **1. Introduction**

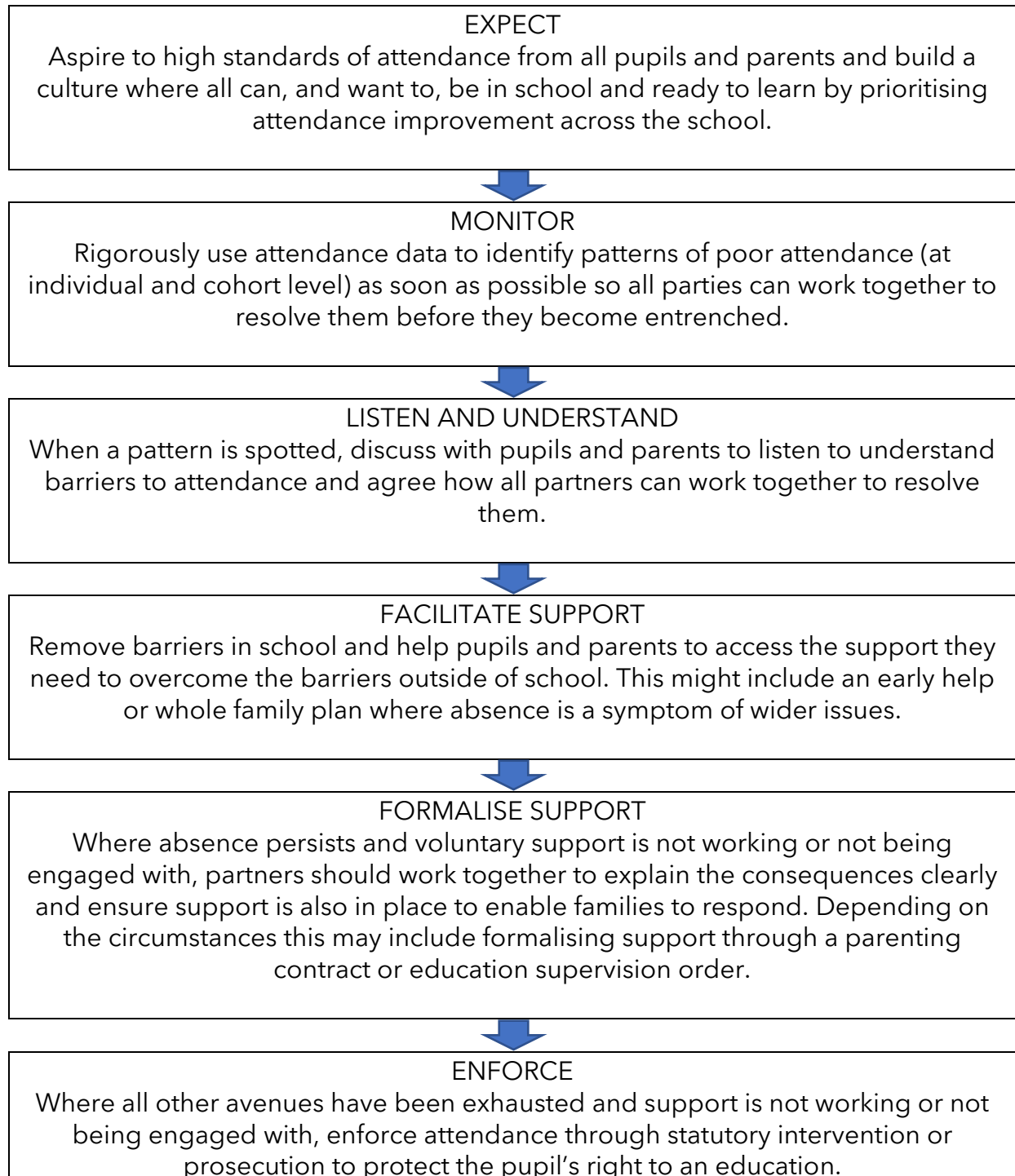
- *'Support First'* is based on the expectation outlined in the statutory guidance 'Working together to improve school attendance' that schools, academies, alternative providers, independent schools and agencies should support pupils and parents by working together to address any in-school barriers to attendance:  
[Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/Working_together_to_improve_school_attendance.pdf)
- It does not apply where support isn't applicable such as in cases of unauthorised leave in term time. In those instances, please use the 'Leave of Absence (Legal) Process' which is Chapter 8 of the 'Leave of Absence for Exceptional Circumstances' guidance'.
- Good attendance starts with close and productive relationships with parents and pupils. Schools should treat all pupils and parents with dignity and staff should model respectful relationships to build a positive relationship between home and school that can be the foundation of good attendance. In working in partnership with parents, schools should discuss the link between attendance and attainment and wider wellbeing, and challenge parents' views where they have misconceptions about what 'good' attendance looks like. Where a pupil or family needs support with attendance, it is important that the best placed person in the school works alongside and supports the family and wherever possible the person should be kept consistent.
- All children of compulsory school age are entitled to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school.
- Where parents decide to register their child in school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.
- Good attendance is essential for children to get the most out of their education, including their attainment, wellbeing and wider development. 2018/19 attendance and attainment data shows that at KS2, pupils not meeting the expected standard in reading, writing and maths had an overall absence rate of 4.7%, compared to 3.5% among those meeting the expected standard. Moreover, the overall absence rate of pupils not meeting the expected

standard was higher than among those meeting the higher standard (4.7% compared to 2.7%). At KS4, pupils not achieving grade 9 to 4 in English and maths had an overall absence rate of 8.8%, compared to 5.2% among those achieving grade 42. The overall absence rate of pupils not achieving grade 9 to 4 was over twice as high as those achieving grade 9 to 5 (8.8% compared to 3.7%): [The link between absence and attainment at KS2 and KS4, Academic year 2018/19 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

- For the most vulnerable pupils, regular attendance is also an important protective factor and the best opportunity for needs to be identified and support provided. Research has shown associations between regular absence from school and a number of extra-familial harms. This includes crime (90% of young offenders had been persistently absent) and serious violence (83% of knife possession offenders had been persistently absent in at least 1 of the 5 years of study).
- Where schools are concerned about a child/young person's absence levels, whether absence is authorised or unauthorised, it is important that the school act to improve attendance levels at the earliest opportunity.

**IMPORTANT: Support First is designed to be used for children of compulsory school age. For children who are not yet of compulsory school age in Reception, schools should still offer early help and support families as required.**

- 'Support First' reflects the model of attendance intervention outlined in 'Working together to improve school attendance' where all partners should work together to...



## **2. Legal definitions**

### **'Parent' - Education Act 1996**

- A 'parent' in relation to any child or young person, includes any person:-
  - who is not a parent but who has parental responsibility for the child, or
  - who has care of the child.
- This also includes absent parents who must have regular contact and an ability to influence the child including his/her attendance. Parental partners should be included (whether or not they are married or the natural parent of the child) as they have 'care of' the child. If a pupil lives with a grandparent or older sibling as their main carer they can also be included.

### **Compulsory (statutory) school age**

- If a child becomes 5 years old between 1<sup>st</sup> September and 31<sup>st</sup> December, they are of compulsory school age on 1<sup>st</sup> January.
- If a child becomes 5 years old between 1<sup>st</sup> January and 31<sup>st</sup> March, they are of compulsory school age on 1<sup>st</sup> April.
- If a child becomes 5 years old between 1<sup>st</sup> April and 31<sup>st</sup> August, they are of compulsory school age on 1<sup>st</sup> September.
- A child ceases to be of compulsory school age on the last Friday in June in the academic year in which the child turns 16.

### **Authorised absence**

- Authorised absence means that the school has accepted the reason given by the parent for the absence. Leave in term time cannot be authorised retrospectively. Only Headteachers can legally authorise absence.

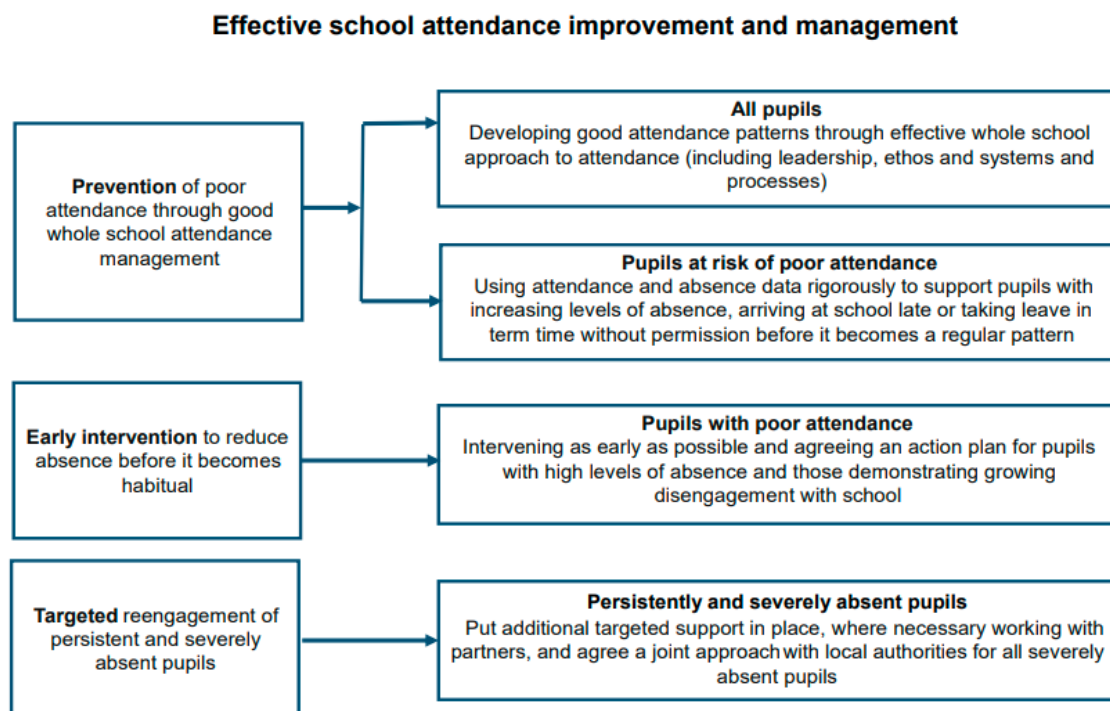
### **Unauthorised absence**

- Unauthorised absence occurs when schools either disagree with the reasons given by the parent for an absence or no reason has been provided. Only unauthorised absences can be used for the purposes of legal intervention.

### 3. **Expect and Monitor - when should schools be concerned about poor attendance?**

#### **Expect**

- The statutory expectations for schools, governing bodies and multi academy trusts in relation to pupil absence are clearly laid out in Chapter 2, 3 and 5 of 'Working together to improve school attendance'. One of the expectations is that all schools will appoint a Senior Attendance Champion, a member of SLT who will drive attendance improvement and coordinate the school's response including how the school works with other services.
- The DfE's model for attendance management looks like this:



- Chapter 2 outlines expectations for schools related to the following:
  - Build strong relationships and work jointly with families, listening to and understanding barriers to attendance and working in partnership with families to remove them.
  - Develop and maintain a whole school culture that promotes the benefits of high attendance.



- Have a clear school attendance policy which all staff, pupils and parents understand.
  - Accurately complete admission and, with the exception of schools where all pupils are boarders, attendance registers and have effective day to day processes in place to follow-up absence.
  - Regularly monitor and analyse attendance and absence data to identify pupils or cohorts that require support with their attendance and put effective strategies in place.
  - Share information and work collaboratively with other schools in the area, local authorities, and other partners where a pupil's absence is at risk of becoming persistent or severe.
  - 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.
- In addition to the above schools are encouraged to set realistic but ambitious attendance targets over a three-year period that are shared with all staff, pupils and parents, as well as individual targets for pupils whose attendance is of concern. Best practice involves target setting for children based on days attended over a set period then reviewed, rather than percentages which may have little meaning for some parents. Any target setting should take into account any physical or mental health difficulties a child may have, any medical appointments they have to attend or any days of religious observance they may be entitled to.

### **Monitor**

- Many schools use persistent absence (10% or more absence) as an indicator of concern, but percentages are often skewed by the time of year. 90% attendance by October half term is only 3 ½ days of absence which could be due to a one-off, minor illness or leave in term time. However, waiting until a child is a persistent absentee at other times of the year before taking action can be too late.
- Schools are advised to take a whole school approach to attendance, led by the Senior Attendance Champion who will ensure there are clear roles and responsibilities for all school staff, including school leaders; class teachers/form tutors/teaching staff; attendance officers, pastoral staff etc. Allocating responsibility for monitoring pupils and action planning within attendance

bands across the school will help with the early identification of children with deteriorating attendance before they become persistent absentees, allowing for more targeted intervention to be focussed on the most vulnerable children.

- An example of this kind of intervention, which has been used very successfully in schools nationally, looks like this:

<b>Attendance percentage</b>	<b>Responsible staff member</b>
98 - 100%	Class Teacher/Form Tutor
96 - 97%	Learning mentor
93 - 95%	Assistant Head of Year
90 - 92% (pre-persistent absence level)	Pastoral staff
Below 90% (persistent absence level)	Attendance Officer
Below 50% (severe absence level)	Attendance Officer/SENCo./DSL (multi agency response)

- Different schools may use different levels of staff for the bands but the principle of allocating staff to be responsible for monitoring the attendance bands is the same.
- Once a concern has been identified, the individual child's attendance must be scrutinised for patterns of concern. A child with 90% attendance by the October half term will be much less of a concern if attendance has been previously good, and the cause was a one-off period of illness than a child with three separate instances of illness absence over the same period. You would want to monitor the first child to ensure attendance doesn't deteriorate further, but you will want to speak to the second child, contact the parents and invite them into school for an informal meeting to see if early help support or a referral to a school nurse is needed.
- For more information about whole school approaches to attendance, national best practice and interventions which have been found to reduce persistent absence and improve attendance please click on this link: [Improving school attendance: support for schools and local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/improving-school-attendance-support-for-schools-and-local-authorities)
- Poor attendance can be an indicator of neglect or other safeguarding concerns. In all cases, please ensure that due regard is made to the thresholds

outlined in Right Help, Right Time, Birmingham's threshold guidance for safeguarding. [Right Help, Right time](#)

#### **4. Listen, understand and facilitate support**

- This is the most important stage of managing individual pupil attendance and should be used for all pupils with concerning levels of absence from school. It does not mean that a formal early help assessment must be completed at this stage or that enforcement action must follow. The staff member with operational responsibility for attendance should work together with the DSP/DSL in determining the correct Early Help response.
- For support and guidance with early help, schools can contact their Early Help locality team or their Early Help Co-ordinator
- Alternatively, school colleagues can book an Early Help conversation with their local Early Help hub. To book an EH conversation please complete the relevant sections in the family connect form and the locality will be in touch with a time to meet to discuss the family or concern:

[Birmingham Children's Partnership Resources](#)

***IMPORTANT: Where there is evidence of 'emotionally based school avoidance' (sometimes incorrectly referred to as school refusal) please go to the relevant section on page 23 and consult [#you'vebeenmissed](#)***

- In 'Working together to improve school attendance' the Department for Education states: *'Good attendance starts with close and productive relationships with parents and pupils... In working in partnership with parents, schools should discuss the link between attendance and attainment and wider wellbeing, and challenge parents' views where they have misconceptions about what 'good' attendance looks like. Where a pupil or family needs support with attendance, it is important that the best placed person in the school works alongside and supports the family and wherever possible the person should be kept consistent.'*
- The guidance states that where absence becomes problematic, schools should draw on those positive relationships with parents and listen to and understand the barriers to attendance the pupil or family is experiencing. They should understand the importance of school as a place of safety and support rather than reaching immediately for punitive approaches and offer support accordingly.
- The guidance also states that where barriers are outside of the school's control, all partners should work together to support pupils and parents to access any support they may need voluntarily. As a minimum, this should include meeting

with pupils and parents at risk of persistent or severe absence to understand barriers to being in school and agreeing actions or interventions to address them. This may include referrals to services and organisations that can provide support. These actions should be regularly discussed and reviewed together with pupils and families.

- With that in mind, before more formal support is considered the school will have applied all school and Early Help responses without significant attendance improvement. Schools will be asked for evidence of the support offered at the point of referral.

### **What must support from the school include?**

- Support **must** include:
  - Completing the 'The Signs of Safety Framework' (three houses) form with the child (section 6 of the Early Help Assessment form). This should determine if a full early help assessment is required.
  - Inviting the parents/carers into school for an informal supportive meeting and offering an early help assessment as appropriate (use section 7 of the Early Help Assessment form to determine if a full assessment is needed)
  - Ensuring other practitioners already involved with the family, such as social workers, family support workers, or early help workers are included in any discussions, planning or target setting related to school attendance and that improving attendance is included in any formal plans.
  - Where the child has an EHCP, ensuring the plan has been reviewed as part of the school's obligations outlined in the SEND Code of Practice (at least annually) to ensure that the provision is suitable to meet their needs (unless the initial EHCP has been issued within the last year)
  - Advising parents/carers that they can apply for travel assistance if the home to school distance is more than 2 miles for children up to 8 years, 3 miles for children aged 8 and over (though they are unlikely to receive assistance if they chose the school despite nearer school places)
  - Following the 'Frequent Illness Absence Protocol' where there is frequent illness absence from school.

- Addressing any barriers to good school attendance including child mental health; homelessness; caring responsibilities etc.

***IMPORTANT: Where there is already an allocated social worker/family support worker/early help worker, there is no need to complete Section 7 of the Early Help Assessment, but it is important that an informal meeting with the parents/carers is held to discuss any obstacles to improving attendance. The social worker/family support worker should be invited to any meeting but if they can't attend, don't let this stop your meeting from taking place.***

## Early Help

- 'Working together to improve school attendance' identifies that effective Early Help relies upon local agencies working together to identify children and families who would benefit from support, undertaking an Early Help assessment and providing targeted services to address those needs to significantly improve outcomes.
- All agencies have a responsibility to deliver Early Help in line with Birmingham Safeguarding Children Partnership (BSCP) agreed Layers of Need as set out in ['Right Help, Right Time'](#) and consistent with [Birmingham's Early Help Strategy](#).
- A holistic approach to early help must include capturing the voice of the child, otherwise an assessment would be incomplete and could be missing information vital to supporting the family, or even safeguarding the child.

### ***The voice of the child***

*"I have not had any dinner, I sometimes have breakfast, sometimes lunch, but not during Saturdays and Sundays." "My mum sleeps all day, and no one takes me to school", "I take care of myself whilst mum is asleep."*

- These are the words of Hakeem, recorded by his school when he was 6. Hakeem died in 2017 age 7 as the result of an asthma attack and chronic neglect. The serious case review (BSCB 2017-18/03), published on 1<sup>st</sup> September 2022 states:
  - *'Hakeem was a bright child who had been identified early on by school as being potentially gifted and talented. He became increasingly affected by his non-school attendance (NSA) and upset at getting behind in his studies, which resulted in some more difficult and challenging behaviour when he was in school. By 2016-2017 Hakeem's overall attendance was only 58% with authorised absences of 7.5% and unauthorised 34.4%.*  
[Serious case review report - Hakeem](#)
- The most appropriate mechanism for capturing the voice of the child is the three houses (or three columns for older children) form which you find as section 6 of the Early Help assessment form or you can download here: [Signs of Safety and Wellbeing Practice Framework - Birmingham Safeguarding Children Partnership \(lscpbirmingham.org.uk\)](#)

- The form should be completed by someone appropriately trained. The school must ensure they act on any concerns raised under 'Right Help, Right Time' and ensure the outcome informs any interventions to improve school attendance. It must also be revisited if the referral to ELIT is made more than 6 months after the conversation with the child/young person took place.

***IMPORTANT: where schools need support or guidance on using the three houses form with children, please contact your Early Help Coordinator who will be happy to provide training or assistance.***

### ***Informal meeting with parents/carers***

- All parents/carers where attendance is a concern must be invited to an informal meeting at the school. Where there are social workers, family support workers or early help workers, they should also be invited. During the meeting, schools can use Section 7 of the Early Help Assessment form as a format to discuss barriers to attendance where there isn't already a Birmingham Childrens Trust/Pathfinder Service working with the family.
- As well as completing Section 7, schools should also signpost parents to other sources of help and support such as the Birmingham Family Hubs which are expanding across the city. More information, including whether a Family Hub is available in your area can be found here: [Family Hubs | Birmingham City Council](#)
- If the parents/carers do not attend the meeting or do not respond to phone calls/letters schools **must** undertake a home visit to try to engage the parent. Where parents have not responded to phone calls, informal meeting invitations and home visits and where there is no allocated early help worker/family support worker/social worker, schools should request an Early Help conversation with the schools' local Early Help hub. (To book an early help conversation, please complete the relevant sections in the family connect form and the locality will be in touch with a time to meet to discuss the family or concern. If you do not have consent from the parents to complete the form, you can complete an anonymised version and use 01/01/2000 for the date of birth. You can also request a conversation with your Early Help Co-ordinator if you are not sure which early help response is appropriate: [Birmingham Children's Partnership Resources](#))



***IMPORTANT: Where parents actively refuse Early Help remember to still capture the voice of the child if they are attending school, even if the attendance is sporadic. Make sure the school acts on any issues raised but if there is then unauthorised absence move to the 'Formalise Support' stage.***

- Where there is no allocated social worker or family support worker, once Sections 6 and 7 have been completed, upload these onto the school's safeguarding recording system (for example, 'cpoms', 'MyConcern' etc.,) and ask the DSL to review if the DSL was not involved at this stage. In terms of Early Help, there should be one of the following outcomes:
  - initiate simple reasonable adjustments to address the child/young person's unmet safeguarding needs
  - develop a school focused action plan with child/young person, parent/carer as appropriate
  - ***initiate a multiagency Early Help Assessment (EHA) & Our Family Plan (OFP)***
- If the conversation with the child or parent/carer indicates a serious safeguarding concern under 'Right Help, Right Time', schools must follow their child protection procedures.

***IMPORTANT: If the family do require Early Help either from the school or via support services such as Think Family or Social Care and consent to support, you need to give the intervention at least six weeks from the start of the intervention to make a difference. After six weeks of family intervention, if it has not resulted in attendance improvement; and there is unauthorised absence, you can move straight to the Formalise Support stage after informing the allocated worker of the intention. If you are not sure, or the allocated BCT officer disagrees, please contact the ELIT for advice (464 8979 or [Attendance@birmingham.gov.uk](mailto:Attendance@birmingham.gov.uk)).***

***Initiate a multiagency Early Help Assessment (EHA) & Our Family Plan (OFP)***

- If an Early Help Assessment is the outcome of the discussions with the parents and children, it must be offered. Parents may have some concerns about what an assessment entails and there is more information for parents here: [What is Early Help Assessment? | What is the Early Help Assessment? | Birmingham Children's Trust \(birminghamchildrenstrust.co.uk\)](#)

- Any parents where legal action is a possibility must be offered a full early help assessment. You can find more details about Early Help Assessments here or please contact your Early Help Coordinator who will guide you through it: [Early Help Assessment and Our Family Plan - Birmingham Safeguarding Children Partnership \(lscpbirmingham.org.uk\)](https://www.lscpbirmingham.org.uk/early-help-assessment-and-our-family-plan)

## **Illness Absence - The Frequent Illness Absence Protocol**

- Birmingham City Council has been working with school nurses and the Birmingham and Solihull Integrated Care Board (ICB) to review how illness absence is supported in school, particularly when there is no known underlying medical condition. Part one of the protocol involving school nurses is detailed below and has been recently modified to take into account feedback from schools. Work is continuing on the second part of the protocol, which involves engagement with family GPs and will be published as soon as the ICB has concluded its work.
- The protocol does not cover concerns about child mental health which is covered in a separate section of the guidance.
- School absence due to minor childhood illness is common and to be expected. In 'Working together to improve school attendance', the Department for Education states: *'Schools are not expected to routinely request that parents provide medical evidence to support illness absences...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.'*
- In a minority of cases schools may become concerned at the level of illness absence claimed for some children, whether it's the same type of illness being reported as causing frequent absence or lots of different illnesses.
- Where a child (with no known underlying medical condition) has three or more instances of illness absences in a half term/five in a term, schools should meet with the parents informally and offer an early help assessment or notify the allocated social worker/family support worker/early help worker of their concerns. **Schools should also ask the parent to take the child to see their GP to rule out any underlying medical conditions which could be contributing to the high levels of illness absence.**
- During the meeting, the child's illness absences should be explored using Section 7 of the Early Help Assessment form with the parent/carer and an early help assessment offered. If there is allocated social worker/family support/early help worker, the child's attendance should be covered in the child protection or family plan.

- If after 6 weeks of early help being in place; and if the child continues to have illness absence from school; and if the child's attendance is now 85% or below, consent should be sought for a referral to the school nurse.

***IMPORTANT: If consent is granted, please allow the school nurse to complete their intervention before moving onto the 'Formalise Support' stage if attendance hasn't improved.***

- If the parents refuse consent or choose not to engage with you, meet with you or discuss their children's illness absence you must send the medical absence letter (on the link below), and give them a few days to respond. If you decide not to send this letter, consider how the school has informed the parent of the requirement to provide medical evidence as this may need to be evidenced in court: [Medical Absence letter | Birmingham City Council](#)
- Schools should also consider the wider context of the child's illness absence in relation to safeguarding. Please ensure that any action taken references the threshold document 'Right Help, Right Time': [Right Help, Right Time](#)
- *'Medical neglect, missed appointments and the correlation between non-school attendance and his mother's drug use and the fact that Hakeem himself was telling school how unhappy and scared he was, should in the author's view have triggered an earlier and more robust response.'* Serious case review - (BSCB 2017-18/03) - Hakeem

### Frequent illness absence (no known medical condition)

Child (with no known underlying medical condition) has three or more instances of illness absences in a half term/five in a term

School holds informal meeting with parents to explore reasons for absence. Any allocated social worker/family support worker/early help worker must also be invited. Early help offered as appropriate and parent advised to take the child to the GP to rule out underlying medical conditions. Informal action plan or family plan agreed. Attendance monitored for 6 weeks. (If no parental engagement, send 'medical absence letter as below')

No improvement in attendance after 6 weeks of early help and child now has 85% attendance or less. Consent for referral to school nurse sought and child referred.

Consent for school nurse referral refused.

Assessment by school nurse/GP. Guidance on health issues provided and health care plan instigated if necessary. Feed back to school within 6 weeks of referral.

Attendance improves or unknown medical condition discovered needing healthcare plan.

If no known medical reason for absence, school to send medical absence letter to parents and monitor. Illness absence no longer authorised. If parents wish to contact their GP at this point, absences to remain unauthorised until medical evidence is provided.

Medical evidence not provided. Unauthorised absence – school to move to the 'Formalise support' stage of 'Support First'

### ***Children with known health conditions***

- In relation to children with known health concerns whose attendance has been impacted by illness, the advice is as follows:
  1. *Children with known significant and serious health conditions with 15 or more days continuous or cumulative illness absence*
    - Where children have significant and serious health conditions (which could include diagnosed mental health conditions) which prevent their regular attendance in school, section 19 of the 1996 Education Act is clear in terms of their entitlement to a full-time education.
    - Provision is already in place to ensure that if a child is genuinely too ill to attend school regularly and has 15 days or more cumulative or continuous absence they do not lose out on their education. Schools must have due regard for 'Supporting pupils at school with medical conditions - Statutory guidance for governing bodies of maintained schools and proprietors of academies in England'; [Supporting pupils with medical conditions at school - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions)
    - Once in receipt of the appropriate medical evidence, schools should refer children to James Brindley Academy. For more information about the evidence required and how to refer to the Academy please use this link: [Make a Referral - James Brindley Academy James Brindley Academy](#)
  2. *Children with a known underlying medical condition with irregular attendance*
    - Where children have a known underlying medical condition impacting their attendance to a lesser degree, schools should seek consent from the parent to refer to the school nurse for a health care plan to be instigated which should be regularly reviewed.

### ***Children with illness absence attending special schools***

- The Special School Nursing Service undertakes a range of activities to improve and maintain the health of children and young people – often with complex health needs – to attend school, enabling each child or young person to achieve their potential. Each special school has a dedicated team of registered nurses and support staff responsible for the health and wellbeing of children

during the school day. Some special schools will have a dedicated team based within the school five days per week term time.

- The special school nursing team will also provide advice, support and signposting to other services for a wide range of disabilities and healthcare needs. They also work closely with social workers from the disabled children's social care team to support access to respite care and community resources for sport, play and leisure. Where there may be concerns around the safety and wellbeing of a child, for whatever reason, special school nurses will work in collaboration with the BCHC safeguarding team and relevant social care team to support children and their families in overcoming difficulties.

## Child mental health and attendance

- The Department for Education has published extensive guidance relating to Mental health issues affecting pupil's attendance and there is published guidance and effective practice examples to assist schools in this regard, 'Mental health issues affecting a pupil's attendance: guidance for schools': [Mental health issues affecting a pupil's attendance: guidance for schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/mental-health-issues-affecting-a-pupil-s-attendance-guidance-for-schools)
- In the summary of responsibilities related to mental health issues, the DfE states: *'Many children will experience normal but difficult emotions that make them nervous about attending school, such as worries about friendships, schoolwork, exams or variable moods. It is important to note that these pupils are still expected to attend school regularly.'*
- Schools are advised to communicate any mental health concerns to parents as quickly as possible and work together with them to ensure that the concerns do not escalate into serious barriers to regular attendance. Reasonable adjustments should be agreed with parents, taking into account the school's wider safeguarding responsibilities as outlined in 'Keeping Children Safe in Education.' [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/keeping-children-safe-in-education)
- As part of any plan to support the child to attend well, schools should facilitate relevant pastoral support. This should be done with the clear aim of improving attendance as much as possible while supporting the underlying mental health issue.
- Schools may wish to refer to the Ordinarily Available Guidance document for advice on supporting young people with SEND and SEMH needs in school. [Birmingham Local Offer Ordinarily Available Guidance](#)
- Any plan to help the child to attend well may also involve making referrals to in-school or external professional support, and schools should be supportive where parents/carers feel the child needs to visit a health professional in relation to a mental health concern, such as the family GP. Schools should consider additional pastoral care inputs for pupils, including any support that can be offered by the pupil's most trusted adults in school, and where appropriate making referrals to other services. This might include community groups, counselling services, psychological practitioners, Mental Health Support Teams (where available) or wider Forward Thinking Birmingham services. Schools can also request a consultation with the STICK team if they are unsure how to proceed with supporting the young persons' mental health difficulty.



- Any professional workers supporting a pupil with a mental health or emotional issue should maintain the same ambition for the attendance of the child as the school, maximising in-person learning where possible.
- The DfE guidance is clear that where support is offered but not engaged with, and where all other options have been pursued but not engaged with, more formalised support of legal enforcement of attendance is an option which should be considered.

### ***Emotionally Based School Avoidance (school 'refusal')***

- Where parents are engaging with the school, but the child appears reluctant to attend, legal action is not the appropriate route to take. The threat of legal action can cause further distress and anxiety for both parent and child. It should only be used in this scenario where the parent fails to engage appropriately with efforts to improve the child's attendance.
- To prevent the child being completely out of education, the school should use the resources provided as part of *#you'vebeenmissed* and can consider if a consultation with the STICK team would be beneficial. Where a school is enrolled onto an MHST service, MHST can offer consultation in place of STICK. [#you'vebeenmissed](#).
- STICK and MHST are early mental health services delivered by Forward Thinking Birmingham. MHST are embedded into specific schools and can offer a whole school approach cultivating a mental health friendly learning environment. MHST offer consultation to school professionals. MHST support young people with emerging mild and moderate mental and emotional health issues. STICK support young people whose mental and emotional health issues may be more complex. This can include young people aged 5- 18 years who are missing from education including children not on roll or home schooled. Both have clinically trained staff that can support young people, parents and carers and teachers. Both services can support referrals into secondary care CAMH Services if young people require this level of support.
- The *#youvebeenmissed* campaign is led by Forward Thinking Birmingham, Birmingham City Council and Birmingham Education Partnership supporting pupils, parents, carers and professionals to aid our children and young people manage their mental wellbeing in school.
- As part of the project, clear guidance for schools and primary care professionals have been developed to support children and young people to remain in school. A range of resources, videos and webinars have also been created for children, young people, parents/carers and professionals to support the mental wellbeing of children and young people in Birmingham.

- You can find themed resources and videos to support children and young people return to school on the following:
  - Anxiety and worry
  - Challenging thoughts
  - Emotions
  - Self-care
- You can find additional resources via the Breathe Education website [Breathe Education website](#)
- For young people aged 11 to 25 there are also forums, guidance and counselling available free of charge from Kooth: [Home - Kooth](#). Forward Thinking Birmingham also offer a drop-in service for young people aged 0-25 years, parents/carers and professionals who need advice and support for common mental and emotional health issues.
- Parents can also find help and support with their child's mental health and other issues affecting the family through 'From Birmingham With Love': [From Birmingham With Love](#)

**Children and Young People with Education, Health and Care Plans (EHCPs)/Special Educational Needs (in relation to children of compulsory school age or in Reception).**

- Parents/Carers, and sometimes education settings, may have concerns about the suitability of the educational provision being offered to a child/young person as to whether it meets their needs. This can affect their attendance in school. This can occur in the following circumstances:
  - a child/young person who already has an EHCP but the parents/carers are concerned that the EHCP no longer meets the needs of the child/young person
  - a child/young person who already has an EHCP is attending a school/education setting that education professionals have agreed no longer meets the child/young person's needs
  - a child/young person who doesn't have an EHCP and is being assessed
  - a child/young person who has been assessed but the request for an EHCP has been denied.
- Even where the education setting has concerns that their provision cannot meet the child/young person's needs, full time education must continue to be offered. Part-time/modified timetables can only be offered to integrate or reintegrate child/young person back into full time provision and must be limited to a maximum of six weeks. A review meeting to discuss modified timetables, must be held with the child/young person and parents/carers. If the child/young person has EHCP, you must also inform SENAR.
- On occasion parents/carers will refuse to send child/young person into school/education settings stating that the provision doesn't meet their child/young person's needs - but that is not a defence in law. The law related to parents/carers legal responsibilities to ensure child/young person attend school/education settings regularly still applies.
- Unless there is medical evidence that the child/young person is too unwell to attend school/education setting, or there is agreement between the educational professionals that the child/young person shouldn't attend as it would be contrary to the wellbeing of the child/young person, children /young people must continue to attend school until they start a new school placement, or the parents elect to educate 'otherwise' (in the case of children/young people with EHCPs attending special schools, SENAR must agree that the provision offered by a parent/carer who has written to the school stating they are home educating is suitable and Section F of their EHCP can be delivered, before the child/young person can be removed from roll).

- Parents/carers of children and young people with EHCPs/Special Educational Needs are entitled to early help this should be offered if the barriers to good attendance require it. They may also be able to access support from the Birmingham Family Hubs which are expanding across the city. Details of what's available to families including those with children/young people with special needs can be found here: [Family Hubs | Birmingham City Council](#)
- 'Support First' is the framework which should be used in all cases of absence, including those in the circumstances described above. However, if the school/setting requires support for absence related to the child/young person's SEND needs, please discuss your concerns with the SENDCo. and have a look at the help and support for professionals on the Birmingham Local Offer website which you can find here: [Professionals - Local Offer Birmingham](#)

## **Mobile Children**

- 'Working together to improve school attendance' defines a mobile child as a child of compulsory school age who has no fixed abode and whose parent(s) is engaged in a trade or business of such a nature as to require them to travel from place to place.
- Where a mobile child and their parent/carer(s) are travelling for the purposes of the parents' work which means the child is absent from school, code T should be used. However, the parent/carer must have sought authorisation from the school prior to travel and the school must ensure the child has access to at least 200 sessions of school attendance over the academic year before the absence can be authorised.
- To help ensure continuity of education for mobile children, when their parent/carer(s) are travelling for occupational purposes, it is expected that the pupil should temporarily attend a school where their parent(s) is travelling and be dual registered at that school and their main school. Main school in this context means the school that, during the last 18 months, the child has attended during periods when their parent was not travelling in the course of their trade or business, or, if there is more than one school that fits that description, the school that most recently fulfils those criteria.
- Where the leave requested is not for occupational purposes (such as visiting family abroad) or is more than what can be agreed, school should follow the appropriate attendance framework, including enforcement as necessary.

## **Children in temporary accommodation**

- Where families become homeless and are placed in hotels/hostels which are more than statutory walking distance from the school (beyond 2 miles if the child is below the age of 8, or beyond 3 miles if aged between 8 and 16), children can be unable to attend school. The family could be moved to other hotels/hostels regularly meaning that admission to closer schools can be impossible. In these circumstances, schools are advised to:
  - keep the child on roll even if the hotel/hostel the family have been placed in temporarily is in another local authority.
  - offer an early help assessment or notify the social worker/family support worker/early help worker if allocated.
  - if the school is in receipt of pupil premium for the child, assess whether it can be used to support short term transport costs to enable the child to attend school.
  - code the children as C on the register.
  - provide online learning or work packs if possible.
  - remain in contact with the parents and housing as appropriate and ensure the school's safeguarding responsibilities are still met.
- If the accommodation is within statutory walking distance, the child should be expected to attend but may need considerable support which should be considered as above.
- If the family have been placed at a temporary address such as in a house or flat (or even in a refuge where the family have a flat and indicate that the school places are not needed); the accommodation is beyond a reasonable distance to get to the school; and the child has ceased to attend, the child can be taken off roll under the 'reasonable distance' rule. Please see the guidance on deletion from roll which can be found here: [Deletion \(removal\) from roll | Pupil attendance, advice for schools and professionals | Birmingham City Council](#)

### **Part-time/reduced timetables**

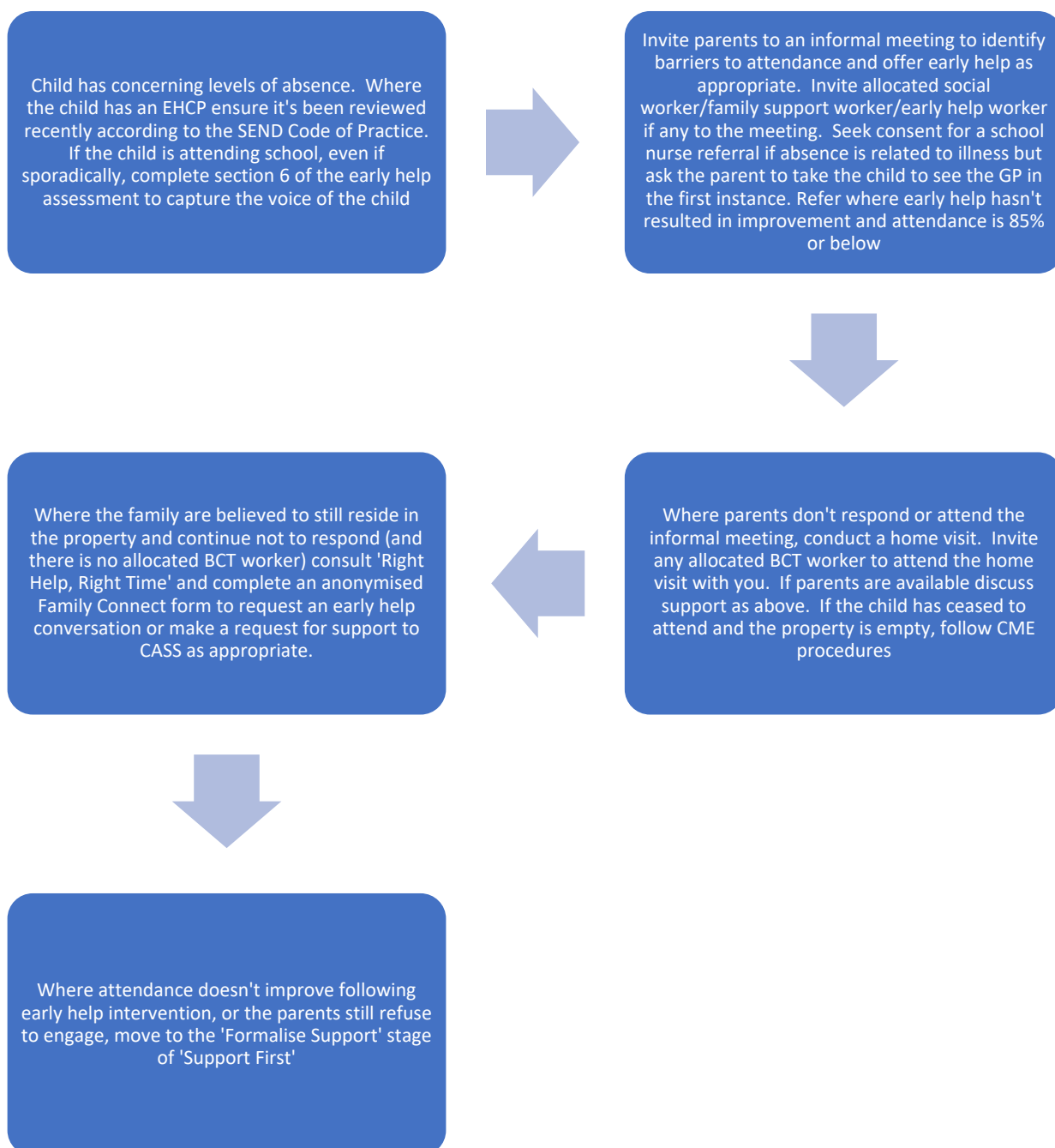
- It is important to highlight that there is no statutory basis upon which to establish a reduced timetable. Ofsted have made it clear that this has to be in the interests of the child and not the school. All children of compulsory school age are entitled to full time education. This means that part-time/reduced timetables are essentially unlawful.
- In situations where a part-time/reduced timetable is being used for an extended period or as a strategy to manage behaviour, or to prevent an exclusion, formal legal action may not be possible. Please contact ELIT for advice in these circumstances: [attendance@birmingham.gov.uk](mailto:attendance@birmingham.gov.uk)
- Schools must also notify the local authority of any part-time/reduced timetable arrangements including updates and half termly nil returns. Guidance and an online form can be found at: [Part-time or reduced timetables | Pupil attendance, advice for schools and professionals | Birmingham City Council](#)

## **Transport**

- Parents have a statutory defence if their children have poor attendance at school because the local authority were under a duty to provide transport to the school and failed to do so.
- Schools must ensure that where the home to school distance is more than 2 miles for children up to 8 years, 3 miles for children aged 8 and over parents can apply for travel assistance, though they are unlikely to receive assistance if they chose the school despite nearer school places.
- Where children are entitled to transport assistance, but the parents are unhappy with the provision offered, the children must attend school whilst the parents appeal the offer made if that is what they chose to do.
- Where parents are refusing to send their children to school because they disagree with the offer made, absences should be marked as unauthorised and 'Support First' applied.
- Where the local authority has a duty to provide transport but hasn't yet done so the correct registration code is Q.
- Where the transport normally provided is not available the correct registration code is Y1.



## Facilitate Support - Escalation Flowchart



## **5. Formalise Support - The Formal Attendance Meeting and attendance contract**

**The pupil has at least one session of unauthorised absence - Early Help has been refused (this includes 'no response' to attempts by the school to engage the family); Early Help/Social Care strategies have not resulted in sustained attendance improvement - Do not move to this step if you have not offered Early Help to the family during the academic year or have not attempted to capture the voice of the child as part of your Early Help response. Please re-visit the 'Facilitate Support' stage as the referral will not be accepted.**

### **Formal Attendance Meeting (FAM)**

- The school attendance officer should call a 'Formal Attendance Meeting' at the school. ***The school must use the FAM invitation letter in the online pack:*** [Formal Attendance Meeting \(FAM\) Invitation letter | Birmingham City Council](#)

***IMPORTANT: The attendance staff involved in the case throughout should be the member of staff to conduct the meeting, agree an attendance contract and send the post FAM letter if needed.***

- The parents/carers should be invited to the meeting by the attendance officer separately, in writing, and with at least 7 days' notice, using the same process as indicated in post FAM letter, with the letters signed then copied, then the copies retained as evidence. Include the names of all the children in the family attending your school on each letter (no need to send separate letters for each child but only those who meet the absence threshold - and please make sure the children included are of compulsory school age).

***IMPORTANT: You will need to demonstrate that you have given reasonable notice for the FAM, preferably at least 7 days' written notice. You must use the invitation to a FAM letter, (and the 'rearranged FAM' letter if appropriate) which can be found in the online pack. The letter may be used in evidence.***

- If the parents/carers live apart from each other and there are concerns about domestic abuse or animosity between them, invite them to separate meetings.
- If the parents/carers are unable to attend a meeting at the school, due, for example, to disability, the meeting can be held at the parents' home address but must be held in person so that the attendance contract can be signed.

- Complete the parents/carers' details on the form with them, in case any of the details you have in school are incorrect or out of date. Follow the form through and give them a photocopy of the completed FAM form, including the signed attendance contract, at the end of the meeting. [FAM proforma and attendance contract | Birmingham City Council](#)
- The school must then send each parent/carer a post FAM letter (PF1) with a copy of the completed form and a copy of the signed contract.
- The letter should be addressed to each parent/carer individually using the instructions outlined on page 35.
- If the parents/carers do not attend but request a new date, please rearrange the meeting, using the 'rearranged FAM' letter. [Rearrange FAM letter | Birmingham City Council](#). **However, please do not rearrange more than twice.** If they still don't attend, please send the appropriate 'did not attend' post FAM letter (PF2).
- If the parents/carers do not attend and don't request a new date, please offer them at least one further date using the 'rearranged FAM' letter. If they still don't attend, please just send the appropriate 'did not attend' post FAM letter (PF2)
- If the parents/carers inform you that they will not attend a FAM, please send the 'did not attend' post letter and delete the sentence related to rearranging the meeting.
- The FAM pro-forma includes an offer of an Early Help Assessment. If the offer is accepted, please stop the process at this stage, and arrange for the assessment to be completed, unless early help support has already been offered within the academic year. Where offered, if the parents/carers then refuse to attend the assessment continue the process. If they work with the school to complete the assessment give the family plan at least 6 weeks to enable the family to make the relevant changes and for attendance to significantly improve.

### **Attendance Contract**

- At the conclusion of the FAM, the attendance contract should be completed.
  - The school must ensure that the contents of the contract are agreed and signed by both parties at the end of the meeting. If the parents/carers refuse to sign the contract, the appropriate post FAM letter should be

sent. Without the signature of the parents/carers, no contract exists and the school does not have to stick to the actions verbally agreed.

- Where parents do not attend the FAM, no contract exists and doesn't have to be completed.
- The school should review whether there has been any improvement in attendance at least halfway through the agreed contract term (usually 10 weeks) in terms of whether the parents/carers or even the school are complying with what's been agreed. If the parents/carers haven't complied with the contract they should be contacted and invited in for another FAM where the terms of the contract can be reviewed.
- If the parents/carers indicate early on within the term of the contract that they are unable to comply with what's been agreed, another FAM should be called and the contract amended if appropriate, but this can only be offered once.
- If the parents/carers are offered another FAM to discuss the contract further but don't attend, the school should move onto the enforcement stage.

***IMPORTANT: If the school have agreed to complete actions as part of the contract, those actions must be carried out. Where schools have not carried out what's been agreed, the school will not be able to refer to ELIT for enforcement.***

### **The post Formal Attendance Meeting (FAM) letter**

- The school must use one of the post FAM letters to send to the parents/carers after the FAM has taken place or was scheduled/rescheduled to take place.
- The letters are:
  - PF1 - 'Thank you for attending' letter which must include a copy of the signed attendance contract and a 'legal information' leaflet. This letter is for parents who attended either an initial or rescheduled FAM.
  - PF2 - 'Did not attend' letter which must include a 'legal information' leaflet. This letter is for parents who did not attend an initial or rescheduled FAM.

- PF3 – ‘Refused to sign an attendance contract’ letter which must include a legal information leaflet. This letter is for parents who attended a FAM but refused to sign a contract.

[Attendance procedures for schools | Pupil attendance, advice for schools and professionals | Birmingham City Council](#)

- Only one of these letters can be used and the wording must not be changed under any circumstances. There should be a separate letter sent to each parent/carer in a separate envelope.
- Address letters using parents’/carers’ full names only, not to the ‘parent/carer of’ or Mr and Mrs. The names of all the children of compulsory school age in the family attending your school (whose level of attendance hits the threshold) and included during the process can go on each letter (i.e., do not send separate letters re. each individual child). The letter must be signed by the attendance officer working with the family – you can use electronic signatures (this would be a scan of your signature) but letters **must not** be signed by others on behalf of the relevant attendance officer (p.p.).
- Enclose an up-to-date attendance printout, a copy of the signed attendance contract if any, and a copy of the ‘School Attendance (Legal Action) - Information for Parents’ leaflet.
- The attendance officer should copy the signed letters and any enclosures such as the attendance printout before placing in the envelope and retain the copies - this will be their evidence.
- A record of the date the letters were posted, and the precise details of names and address the letters were posted to should also be kept.
- Letters must be sent by first class post. DO NOT SEND LETTERS VIA RECORDED DELIVERY – parents/carers can refuse to accept them!
- If the attendance contract has been revised by the parents/carers following an additional FAM, please send a follow up post FAM letter and revised contract.
- The school should now monitor the child’s attendance. Move to the ‘enforce’ stage if the child subsequently has 10 sessions of unauthorised absence within a 10-week period after the post FAM letter has been sent (if the contract has been revised, this should be after the second post FAM letter). Please allow two days for postage. Do not wait for 10 weeks if the threshold is reached earlier! If, after the monitoring period, the pupil has further unauthorised

absence but not enough to move to enforcement, the parents should be invited back into school for an informal meeting unless the absence is due to at least 5 days of unauthorised leave in term time. In that instance, please use the 'Leave of Absence (Legal) Process'.

## **6. Enforce - Referral to ELIT**

**The pupil has a minimum of 10 further sessions of unauthorised absence (not including N codes) since the post-FAM letter and contract was sent (in terms of being 'reasonable' include at least two days for postage). This could be after a 12 day period but no longer than 10 school weeks. Please note: referrals will not be accepted if this criteria has not been met.**

***IMPORTANT: Do not move to this step if you have not offered Early Help to the family and have not attempted to capture the voice of the child as a first step. Please re-visit the 'facilitate support' stage as the referral will not be accepted.***

- Schools should complete a 'Support First' referral form online **no later than six weeks after the threshold above has been met or the referral may not be accepted.**
- The referral form asks for specific information which you should have ready to answer. The information requested will include:
  - The date the informal meeting was offered and the outcome of that meeting.
  - The date page 6 of the early help assessment form (signs of safety and well-being) was completed with the child. Please ensure that you provide the date that it took place. If the page has not been completed, please ensure that an explanation is given as to why.
  - Early Help interventions the school have tried and key dates such as when interventions were offered and took place.
  - Referrals/requests for support to other agencies made and if accepted or not.
  - Any bullying allegations, however old and whether they were upheld or not.

***IMPORTANT: Please DO NOT attach the Early Help Assessment (if applicable) or Sections 6 and & 7 of the EHA to the referral. They are not required and under GDPR should not be shared without consent. If it is clear that the school have not offered Early Help, the referral will not be accepted.***

***The referral form must be completed accurately, and all questions must be answered fully and in detail or it may not be accepted***

- Attached to the referral should be a single PDF document containing:
  - ✓ FAM invitation letter
  - ✓ FAM pro-forma with the Parent/School Contract attached **OR** the last page of the form if the parents didn't attend
  - ✓ a copy of the Post FAM letter, legal information leaflet and attendance contract which would have been sent to the parents and included a copy of the child's attendance printout.
  - ✓ copies of attendance printouts for the current and previous academic years (with session comments if your system allows)
  - ✓ copies of communication logs with parents covering the current academic year if available
  - ✓ any relevant medical evidence provided by the parent to the school
  - ✓ explanations for when registration codes B, C, D & E were used from the start of process (this information can be inputted directly onto the online referral form)

***IMPORTANT: If there has been no further unauthorised absence within the 10-school week monitoring period, the process has been successful. If the pupil has further unauthorised absence after the 10-school week period, the parents should be invited back into school for an informal meeting and the school should follow the procedure again from there as necessary.***

### **'Notice to improve'**

- Once a referral has been made, and in the case of first offences under 'Support First' where the threshold for a penalty notice has been met, ELIT may decide that the most appropriate option is to issue the parent/carer with a 'Notice to Improve'. A 'Notice to Improve' is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued as outlined in the National Penalty Notice Framework.



- Where a decision has been made to issue a Notice, ELIT will send a copy of the 'Notice to Improve' to the school which the school will then issue to the parent/carer. It will then be included in any evidence provided by school should the matter later proceed to Court.
- The school will then monitor the child's attendance for 6 weeks and if, during that period, there is further unauthorised absence, the school will notify ELIT who will then issue a penalty notice.
- Instructions for this process will be provided by ELIT at the point the 'Notice to Improve' will need to be issued.

## **7. Outcomes**

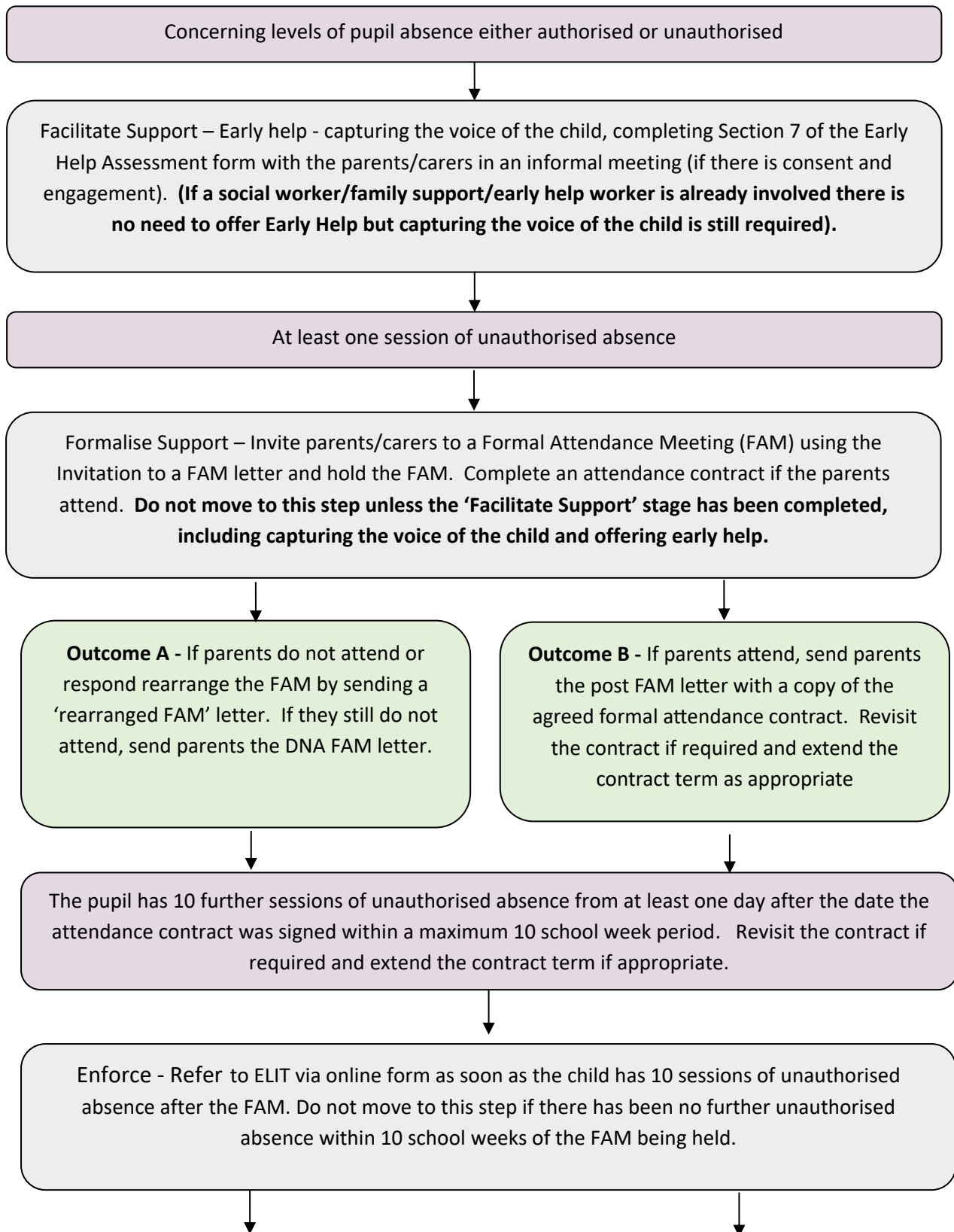
- On receipt of the referral ELIT will review the evidence provided and may contact the school with any queries.
- Where school staff don't respond to the queries in a timely manner, the referral may be closed and marked as 'no further action'. ELIT will make every effort to contact the staff involved before making that decision.
- If the family is working with a social worker/family support worker/early help worker, the officer concerned will be contacted to ask for their opinion as to any legal action which may be taken and to request information as to their role in improving attendance.
- If ELIT accepts the referral and decides that legal action is warranted, the officer will decide on one of the following options;
  - request that the school issues a 'Notice to Improve' (which will be provided by ELIT) and monitors the child's attendance for the next six weeks. Should there be any further unauthorised absence in that timeframe, the school must notify ELIT immediately who will issue a penalty notice;
  - pass for legal, giving the parent/carer the opportunity to discharge the offence by paying a penalty notice if it is a first or second offence and the level of absence is not at the level warranting prosecution;
  - pass for direct prosecution as the level of absence is of sufficient concern to warrant a referral to the Magistrates Court, or at least two penalty notices have been issued previously in relation to that particular child.
- ELIT will send an email to the school notifying staff of the outcome of the referral.
- Where the referral has not been accepted, an email will be sent to notify the school of the decision and provide ongoing advice as to how to move forward from that point.

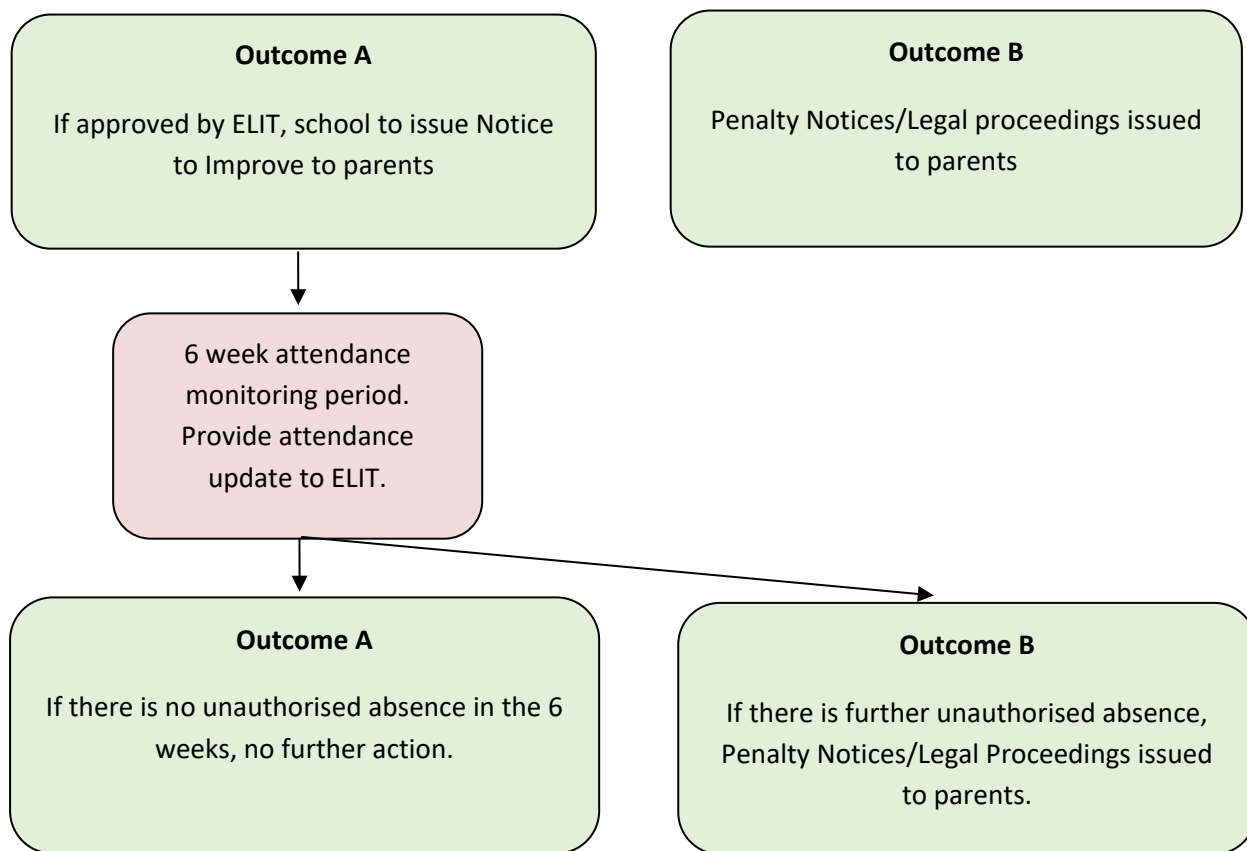
## **8. Parents with previous penalty notices/convictions in relation to pupil attendance**

- Once the ELIT has closed the period of evidence for a prior case, any further unauthorised absence could constitute a new case. This means that the process can be started again. However, schools are reminded that if it has been six months or more since Early Help was explored, this step will need to be revisited before an invitation to a FAM is sent. As Early Help is included in the FAM document, if the parents/carers attended previously there is no need to repeat the Early Help offer except to ensure the voice of the child is heard again.
- If you are working with a family in this scenario, please contact the Education Legal Intervention Team for advice via:

Email: [attendance@birmingham.gov.uk](mailto:attendance@birmingham.gov.uk)

## 9. **'Support First' Quick Guide (please refer to the full guidance)**





## 10. Support First referral - checklist

To refer to ELIT, the school will have...

<b>Actions</b>	<b>Completed? (Please tick)</b>	<b>N/A (Please tick)</b>
Completed section 6 of the early help assessment with the child as part of the early help assessment.		
Offered early help during an informal meeting with parents or, conducted a home visit if there was no response to phone calls and letters inviting parents to attend (during the same academic year).		
Included both parents/carers if applicable.		
Used <i>#you'vebeenmissed</i> for children absent due to emotionally based school avoidance and consulted the STICK team <b>(Please note that Support First after the 'Facilitate Support' stage is not appropriate in instances where parents are working with you to address the EBSA, even if that work is not successful).</b>		
Advised the parents to take the child to the GP where there is frequent illness absence and sought consent for a referral to the school nurse where early help has not been successful and there is frequent illness absence (and referred if appropriate).		
Ensured there is at least one unauthorised absence after the Facilitate Support stage is completed before the FAM.		
Given 7 days written notice for the FAM.		
Fully completed the FAM and asked the parents to sign the Attendance Contract or, completed the last page completed if not attended.		

Sent the post FAM letter and included a copy of the attendance contract if applicable.		
Ensured there are 10 sessions of unauthorised absence within a 10-school week period (or no sooner than 7 days) after the date the attendance contract was signed (or the date the contract was signed after being revised)		
<p>Scanned all of the evidence onto one PDF to include:</p> <ul style="list-style-type: none"> <li>▪ a copy of the FAM form with the attendance contract attached <b><u>OR</u></b> the back page of the form if the parents didn't attend</li> <li>▪ a copy of the FAM invitation letter</li> <li>▪ a copy of the post FAM letter and attendance contract if completed</li> <li>▪ copies of attendance printouts for the current and previous academic years (with session comments if your system allows)</li> <li>▪ copies of communication logs with parents covering the current academic year if available</li> <li>▪ any relevant medical evidence provided by the parent to the school</li> </ul>		