

Early Help School Attendance Matters Pathway Guidance for Schools Part 2 of 2.

Updated December 22

Introduction

This guidance document accompanies the School Attendance Matters Pathway (SAMP) for schools (part 2 of 2). This guidance is intended to assist schools in implementing the SAMP effectively in order to support enhanced school attendance and to trigger enforcement when all strategies have been tried and exhausted.

Enforcement for poor attendance can take place only once a child is of compulsory school age. A child is of “compulsory school age” at the start of the first term that follows their 5th birthday. Whilst poor school attendance cannot be legally enforced for children below compulsory school age, the pathway and subsequent engagement and support is relevant from the first day that a child starts to attend school.

1. Identifying concerns related to attendance

1.1 The Local Authority has suggested that the threshold for poor attendance is 92%, or ten sessions of unauthorised absence. This was based on attendance that is approaching the persistent absence rate, which is 90%. It is important to note however that schools are free to apply their own threshold (within reason) and that 92% is not an imposed level. The school must ensure that their School Attendance Policy makes the school target clear to parents/carers when a child secures a school place. It is useful for schools to display SAMP pathway and guidance on the school website for parents to have an awareness that the SAMP is aligned to the school attendance policy.

1.2 **Accurately calculating attendance data.** Schools are advised to calculate a child’s number of sessions of unauthorised absence, **rather than the overall percentage attendance**, to enable a complete understanding of a child’s absence. This is important because the overall percentage attendance will always vary, dependent on the number of available sessions and will also be affected by the length of time since the school year started. **For this reason, a calculation of unauthorised sessions provides the most accuracy.**

1.3 The initial step in the SAMP is to have a conversation with the child/parents/carers to discuss concerns about attendance, using methods such as phone calls, meetings, letters, and home visits. Rewards and incentives are another method at school’s disposal to encourage regular school attendance.

1.4 If a child's attendance falls below the threshold set by school; the school should inform parents and follow the SAMP.

1.5 **Pathway Starts.** To start the SAMP the school should check whether there is an existing Early Help Assessment in place for the child and family, or whether they have an allocated Social Worker. School can do this in one of the following ways:

- Ask an Integrated Working Lead (IWL):

North	Amanda.Millington@rotherham.gov.uk
Central	Samantha.Smith@rotherham.gov.uk
South	Samantha.Blyth@rotherham.gov.uk
South	Rebecca.Green@rotherham.gov.uk
South	Trudie.Slack@rotherham.gov.uk

- Ask the school's named Early Help Link Worker ⁱ.

- Ask one of the Attendance Team:

North	Kate.Pollard@rotherham.gov.uk
Central	Lisa.Mariott@rotherham.gov.uk
South	Kathryn.Wiltshire@rotherham.gov.uk
RIO (Attendance)	Charlotte.Mann@rotherham.gov.uk

- Call MASH, First Response on (01709) 336060.

1.6 If there is an existing Early Help Assessment in place, or the family are open to Children's Social Care, school should contact the Lead Professional to discuss and ensure that attendance is named explicitly in the plan with clear actions to address poor school attendance.

1.7 Liaising with the Lead Professional and school contributing to the existing plan is important, as there may be other concerns held (not necessarily related to the child in your school) and it is vital that as professionals we 'join the dots' to ensure that communication is robust. Many Serious Case Reviews cite the lack of professional collaboration as a contributory factor.

2. School and the EHA

2.1 If there is not an Early Help Assessment in place and the family is not open to Children's Social Care, it is important, given the concerns about attendance, that school carry out the assessment where there is evidence of additional need ⁱⁱ. This assessment is vital to understand fully the issues that are contributing to poor attendance (attendance is often a symptom of wider need) and where required, bring in appropriate agencies to support the child and family.

2.2 The **offer of support** through the Early Help Assessment is a mandatory element of the pathway and is supported by 'Working Together to Safeguarding Children' (2018) which outlines that:

"Children and families may need support from a wide range of local organisations and agencies. Where a child and family would benefit from co-ordinated support from more than one organisation or agency (e.g., education, health, housing, police) there should be an inter-agency assessment. These early help assessments should be evidence-based, be clear about the action to be taken and services to be provided and identify what help the child and family require to prevent needs escalating to a point where intervention would be needed through a statutory assessment under the Children Act 1989.

A lead practitioner should undertake the assessment, provide help to the child and family, act as an advocate on their behalf and co-ordinate the delivery of support services. A GP, family support worker, school nurse, teacher, health visitor and/or special educational needs co-ordinator could undertake the lead practitioner role".ⁱⁱⁱ

2.3 The Early Help Integrated Working Lead's (IWL's) are available to support schools in completing the Early Help Assessment and plan. See previous details for the IWL in your area.

2.4 If the family is resistant to having an Early Help Assessment, **persistence and reassurance is key**. It is important to reassure that the assessment is a way of understanding what is working well, what the family and professionals are worried about and what is needed to help things improve. We know that families come initially be resistant but with reassurance go on to positively engage.

2.5 If, after reassurance and persistence, family are still unwilling to engage with an Early Help Assessment, then school should continue with the 'Attendance Matters Pathway' and enforcement action that can then be considered. NB all stages of the pathway must be undertaken (stages one to three).

2.6 It is important in the instance of non-engagement that the **school records all evidence**^{iv} related to attempts to support the family, as this will be required later should enforcement action being pursued in Court. Lack of evidence (recorded in a timely fashion, as attempts to engage are made by school) will result in a rejection of the FPN or other enforcement action. The Early Help Attendance Leads are available to discuss children and give advice should this be required.

2.7 The SAMP once initiated should run a parallel to the Early Help Assessment, or Children's Social Care intervention to ensure that wider issues which may be impacting on attendance are both connected and supported. It is important to note that when considering FPN enforcement action, the local authority will consider a 9-to-10-week period. During this time school should continue to follow the pathway and send letters 1 to 3 with a minimum of a 3-week gap between each letter.

2.8 The SAMP contains a series of three letters, sent at different intervals by school within set timeframes. **It is important to retain the wording in the letters** and send them in the sequence described in the SAMP. This is essential to ensure consistent approaches across Rotherham and equitable processes are implemented for families.

2.9 **Letter 1** is the first in the series. This has been designed to support school in sharing the concerns with parents and emphasise the need for improved attendance as well as offering support again. If attendance shows an improvement after letter 1, no further letters should be sent.

2.10 **Letter 2** is the second in the series and should be used when support has been offered and/or taken up, but attendance has nevertheless not shown improvement. NB Before sending letter 2, a minimum of 3-week gap should be given to allow for an improvement to take place.

2.11 **Letter 3** should be sent if there is still no improvement in attendance and at this stage, the letter makes it clear to parents/carers that they are highly likely to be subject to enforcement action. When warning letter 3 is sent school should refer to the Local Authority using Form 1 - Request for Enforcement (SAMP)^v. Documented evidence of when letters were sent, should be recorded at all stages, as this will be required if the case later progresses to enforcement and/or Court.

2.12 Warning letters should be sent no more than 5 school weeks apart.

3. Fixed Penalty Notices (FPN's)

3.1 The FPN is used as the first step of enforcement action in the SAMP. This consists of a fine of £60 per parent per child and this rises to £120 if not paid within 21 days. Non-payment of the FPN is escalated to Court. **FPNs are usually issued only once in line with the Code of Conduct** and if future issues regarding attendance occur the pathway restarts at letter 2 and the child will be escalated to LASAP. In the instance of an unpaid FPN the headteacher will be asked to sign a Headteachers Certificate of Attendance that is required for the Court. The Attendance Leads will request this and set a timeframe for this to be returned.

3.2 To avoid unnecessary work that results in a withdrawal of an FPN prior to submitting to Court, **it is important that school check with parents for any mitigating issues** prior to progressing with the SAMP and make this clear to the Local Authority.

3.3 In the instance of an escalation to Court and a parent pleads not guilty, school may be approached for additional information to support the prosecution.

4 Local Authority School Attendance Panel (LASAP)

For children with persistence absence where an FPN has not had the desired impact.

4.1 The LASAP is Rotherham's multi-disciplinary decision-making forum that oversees enforcement action under the provision of the Education Act (1996) with regards to parental responsibility for regular school attendance.

4.2 The LASAP will consider children that are referred by schools, where there is extremely poor attendance and where all appropriate strategies (and application of the School Attendance Matters Pathway) have been tried and exhausted.

4.3 Schools are responsible for submitting requests to the SAMP for further enforcement following the issue of a previous FPN.

4.4 Following request for further enforcement to SAMP, schools will be informed by Attendance Leads of one of the following outcomes:

- Fixed Penalty Notice issued.
- Agreed to hear formally at the next LASAP.
- Decision to hear formally at a future LASAP to facilitate the gathering of all information.
- Referral rejected and school notified of the reasons.

4.5 The chair of the LASAP is the Early Help Head of Service and meetings are attended by a range of professionals including a Local Authority solicitor. When school has a child being discussed at LASAP the school will be invited to attend the meeting along with parents, and the child where appropriate.

4.6 The LASAP is responsible for ensuring that appropriate action is agreed and that the correct procedures have been followed. The panel will decide on one of the following outcomes:

- **Education Supervision Order (ESO).** An ESO is a court order that triggers a formal plan to bring about a return to regular school attendance. This can be in conjunction with an existing Early Help or statutory assessment. The application is heard in the family proceedings court where magistrates have the power to grant the order. An ESO is granted for twelve months initially but extensions can be applied for annually for up to a period of three years until the end of compulsory education.
- **Prosecution.** Section 444 of the Education Act has two separate but linked offences, under which parents can be prosecuted: a) where a parent fails to secure a child's regular attendance and b) where a parent knows that the child is failing to attend school regularly and fails to ensure the child does so. Parents who are prosecuted for the simple offence (a) could receive a fine of up to £1,000 per parent/carer. For the aggravated offence (b), parents could receive a community order, a fine of up to £2,500 per parent/carer or a custodial sentence.

- **Fixed Penalty Notices (FPN).** FPN's are fines of £60/£120 imposed on parents, who are defined as any person who has parental responsibility or care of the child.
- **Deferral.** In some instances, it may be necessary to agree a deferral of enforcement. This may be where attendance has started to improve prior to the LASAP, or where some specific support has been agreed but not yet tested. In these cases, a decision will be made to defer enforcement and an agreement will be made about when to bring back to a future LASAP.

4.7 Following consideration of the child, the decision will be circulated to the referring school and relevant family members within three days of the panel meeting, however all relevant parties are usually telephoned on the day of LASAP, prior to the formal letter being issued.

5. Maintaining attendance

5.1 Sometimes attendance can improve whilst progressing through the pathway, however later, it again deteriorates. This can be extremely difficult for schools to manage and repeating past processes can be frustrating and is not in the best interests of the child.

5.2 Schools should therefore be aware that if there has been less than a six-week period between the initial improvement and subsequent deterioration and this can be evidenced, schools do not need to start from the beginning of the pathway; but can start from the place where they last were (i.e., re-join the pathway where they left off i.e. if letter 2 was sent; re-send letter 2 and progress from there.)

6. Leave of Absence / Holiday in Term Time FPN requests

6.1 To process an FPN for a holiday in term time, the child's attendance must be below the **combined National Average (currently 95.2%)** for the previous 12 months including the holiday absence period.

6.2 A child's percentage should be calculated prior to requesting an FPN to establish whether the child is **below the combined National Average**. If the child is in Year 7 this should include the year 6 registration certificate of attendance from their previous school. To work out the child's percentage a calculation is needed of the previous 12 months, including the holiday absence period. For example, if the holiday was 18th November 2022 – 29th November 2022 the previous 12 months including the holiday absence period would be 30th November 2021 – 29th November 2022.

6.3 When a leave of absence is requested and school do not feel there are exceptional circumstances to authorise the absence, school should notify parents immediately in order to inform them of their intention to progress a request for enforcement. This then provides evidence to the Local Authority that the parents were aware that their child's absence was not authorised prior to going on holiday / taking leave of absence.

6.4 When it comes to school's attention that a child is taking leave of absence in term time without a prior request being submitted, the school should send the letter **during the absence (i.e., do not wait for families to return home.)**

6.5 When it comes to school's attention that a child has taken a leave of absence after the absence period (ie. where this has been shared after they have returned to school), the school should send the letter within five working days.

6.6 In all cases the referral to the Local Authority should be sent within five working days of the last date of the holiday.

6.7 Form 2 – Request for Enforcement (Leave of Absence)^{vi} should be completed and sent to the Local Authority.

7. Keeping up to date with guidance

7.1 Schools can keep up to date with Government guidance and sign up for alerts, on the Department for Education website:

[School attendance: guidance for schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-attendance-guidance-for-schools)

7.2 Other relevant guidance includes:

[Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/working-together-to-safeguard-children-2018)

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

[Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/keeping-children-safe-in-education)

[multiagency_threshold_descriptors.pdf \(proceduresonline.com\)](https://proceduresonline.com/multiagency-threshold-descriptors.pdf)

ⁱ See *Early Help Link Worker for Schools Document*.

ⁱⁱ See *Rotherham Safeguarding Children Partnership Levels of Need document*

ⁱⁱⁱ See *Working Together to Safeguard Children (2018)*

^{iv} Eg. Evidence of letters; home visits; minutes of meetings; pastoral support documentation; school level support offered etc.

^v Form 1 – Request for enforcement (SAMP) and **note all other versions should be deleted.**

^{vi} Form 2 – Request for enforcement (Leave of Absence / Holiday in Term time) and **note all other versions should be deleted.**