



School Attendance Local Guidance

Version 3

Valid from 8th March 2021

Introduction

Hackney Education is committed to working with schools and other partners to improve school attendance and punctuality across the local authority. Underpinning this commitment is the understanding that unless children and young people attend school regularly and punctually they will not be able to take full advantage of the educational opportunities available to them.

With the full return of pupils to school on 8th March 2021 we will see school attendance once again become mandatory. This will mean that the usual rules on school attendance once again apply, including:

- Parents' duty to ensure that their child attends regularly at school where the child is a registered pupil at school and they are of compulsory school age
- Schools' responsibilities to record attendance and follow up absence
- The availability to issue sanctions, including fixed penalty notices in line with Local Authorities' codes of conduct

Missing out on school risks pupils falling further behind and those with higher overall absence tend to achieve less well in both primary and secondary school, which is why a return to the use of absence enforcement measures is considered reasonable in appropriate cases. As with all decisions relating to absence related prosecutions and fixed penalty notices there must be sufficient evidence to take action and it must also be in the public interest to do so.

This document provides updated local guidance for schools in relation to attendance and how to approach this new situation, including Hackney Education's approach to the resumption of enforcement measures. It will remain in effect until the end of the academic year unless superseded by a future version, or at the end of the academic year. Further updates to guidance will be made if this is considered necessary.

It should be read in conjunction with the national operational guidance issued by the Department for Education for March 8th full return to school.

Coronavirus (COVID-19)

Being in education is vital for children and young people's education and wellbeing. The longer children and young people spend out of an education setting, the greater the impact will be across all areas of their learning and development. Hackney Education is of the view that all children must resume full-attendance at school and attend regularly. We will support schools and parents to achieve this.

However we acknowledge that some parents, particularly those who are, or were, considered clinically extremely vulnerable, may have heightened anxieties about coronavirus, especially as their children have been advised to continue attending school. We need to continue to work together to reduce these anxieties and where necessary provide targeted reassurance, support and intervention.

Building Community Confidence

The expectation is that all schools will open to all children from 8th March or as soon thereafter as testing arrangements permit.

If parents of pupils remain concerned, Hackney Education recommends schools continue to discuss those concerns with families and provide reassurance about the measures they are putting in place to reduce the risk.

In addition, Hackney Education recommends that schools continue to:

- Identify pupils who are reluctant or anxious about returning or who are at risk of disengagement and develop plans for re-engaging them. This should include disadvantaged and vulnerable children, especially those who were persistently absent prior to the pandemic.
- Seek advice from their link WAMHS clinicians in determining how best to respond where pupils are citing parental and/or child Covid-19 related anxiety. They should also call upon the support of existing partner agencies known to the child such as CFS, Young Hackney, the REU, SEN or Hackney Education's school attendance service where appropriate. Where several agencies are involved, convene a multi-agency meeting with parents/carers to discuss and agree a plan to support the child's return to school.
- Communicate clear and consistent expectations around school attendance to families. Schools should maintain regular contact with vulnerable families prior to emphasising that pupils of compulsory school age must be in school unless a statutory reason applies (for example, the pupil is required to shield, has been granted a leave of absence or is unable to attend because of sickness).

Where pupils do not return or where attendance is irregular, please follow normal absence procedures; this should include, but not limited to, phone calls, emails, letters of concern and/or attendance meetings.

However, providing ongoing support and reassurance needs to be considered alongside the right of the child to receive an education and the associated impact that further prolonged absences would have on their future academic attainment and progress. For this reason Hackney Education feels it is in the public interest to use statutory enforcement powers where it is appropriate when parents continue to not ensure their children attend school regularly.

Management of Pupil Absence

Stage 1 - School response

Schools should already have their own plans for improving pupil attendance. This should be a whole school approach where there is a designated senior leader with responsibilities clearly defined.

Absences should continue to be challenged sensitively and authorised only where satisfactory evidence has been provided.

If they have not done so already the following is strongly recommended:

- Schools should update their policy and publicise this to parents. This should include early intervention thresholds with a clear escalation process when a trigger point is reached.
- 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.
- Identify resources, including human resources, to administer and manage the process of managing attendance.
- Identify an Attendance Lead to act as overall leader and manager.
- Monitor school attendance and trigger in house interventions when appropriate.
- Escalate in a timely manner when a pupil is in need of greater support/intervention. For pupils' whose attendance continues to deteriorate, a multi-disciplinary Team Around the Child meeting may need to take place with regard to the child's needs and to identify further support that may be required for the pupil and/or their family. The school link WAMHS worker can support with this where available.

Stage 2 - Wider Support / Interventions

If a pupil's attendance fails to improve following in-school procedures, schools should identify any additional needs a pupil may have or the underlying reasons for absence and secure the right level of support in order to facilitate a pupil's return to school.

A Team Around the Child meeting should be arranged for all pupils who have not resumed attendance or who are not attending regularly, and a plan put in place to improve pupil absence. This plan should also identify any additional support needed by the pupil and/or their family. Parents/carers, the child and all professionals involved should be invited to attend.

Some pupils may struggle to re-engage or have been affected by bereavement, anxiety or welfare and safeguarding harms. Schools should be alert for disclosures and recognise that some pupils may need additional support to secure regular school attendance. This may not be limited to pupils who you considered vulnerable prior to the pandemic and new pupils may have become more vulnerable over this period.

Given the restrictions on meetings during these times, any meeting may need to be held virtually but consideration must be given to the family's access to technology. Should a meeting be held virtually, then all the participants must have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used.

Possible interventions agreed at this meeting could include:

- Additional in-school support and intervention, including the in school link WAMHS worker where available;
- Referring the pupil and/or the family to external support services such as Young Hackney;
- Considering a specialist assessment such as those by CAMHS or the Educational Psychologist Service.

Interventions should be kept under regular review. Any review should allow sufficient time for the support to be put in place and have the desired impact.

Following any review, dependant on progress, the outcome will likely be:

- The intervention is closed as sufficient improvement has been made;
- Further targets are set, with appropriate support identified and a new review date set; or
- Following support, there has been a lack of engagement and/or improvements not made, therefore consideration will now be made for a more statutory response.

Where Covid-19 related physical or mental health issues are cited in respect of either the child or a member of the family the school should seek the advice of the school nurse, the family GP or a specialist involved in their care. This should be used to support any assessment of risk in relation to the pupil's attendance at school and whether it is appropriate to seek enforcement action where a pupil continues to be absent.

Where schools have commissioned support from Hackney Education's School Attendance Service they can assist with the interventions necessary to secure pupils' return to school.

FAST

Since September 2020 Hackney Education has had an officer located in FAST who is available to provide advice to schools regarding pupil absence and those who have not returned to school. That officer will remain located in FAST until 31st March 2021.

If a pupil who has not returned to school is at risk of harm as a result of their absence then please speak to your DSL and, if appropriate, a referral can be made to FAST in the usual manner. Referrals to FAST require the consent of parents/carers unless the child is at immediate risk of harm and speaking to them first would potentially increase that risk.

FAST has recently launched a new consultation line for professionals, which can provide advice to Designated Safeguarding Leads (DSLs) in relation to concerns you may have about pupils. If you are concerned about the welfare or safety of a pupil you should speak to your DSL who can phone FAST on **020 8356 5500** and ask for a consultation prior to making a referral.

If there is an immediate risk to the child's safety you should contact the police on 999 without delay.

Stage 3 - Statutory Enforcement

From 8th March the option of statutory enforcement action will once again resume.

Each school will want to consider their own approach to the use of sanctions based upon their relationship with parents; the reasons why the child is not attending regularly and the effectiveness of interventions and support they have provided to date.

A key consideration in deciding whether to issue a penalty notice will be whether it is reasonable and will be effective in helping to get the pupil who is not attending, back into school. All penalty notices must be issued in line with the Penalty Notice Code of Conduct and be in the public interest to be so.

In considering the public interest we would want to ensure that schools have also had regard to the sections in the DfE operational guidance around pastoral and wellbeing support for pupils and the steps taken to reassure parents and pupils who may have increased anxiety about returning. This should include engaging with school nurses, WAMHS/MHST and/or other medical professionals where this is appropriate.

Unpaid penalty notices are potential prosecutions so ensuring pupils have received pastoral/wellbeing support and reassurance to improve attendance is important from an evidential basis to ensure parents do not have a statutory defence in court. In particular the defence that the pupil was unable to attend because of 'sickness' or an 'unavoidable cause'.

A backlog of cases in the magistrates' court as a result of Covid-19 means capacity for bringing prosecutions under the Education Act 1996 will be more limited. Therefore these will need to be considered on a case by case basis. Prior to proceeding with a prosecution Hackney Education will consider all the evidence to see whether it is in the public interest to proceed. This may include seeking the advice of appropriate medical experts where Covid-19 related health conditions are cited by parents as a reason for the absence.

Advice on the use of enforcement powers to improve attendance is available from Hackney Education's Court Officer.

Considering Pupil Vulnerability

Before considering enforcement action schools should ensure that attendance leads are aware of any pupils with known vulnerabilities that may affect their attendance so they can ensure that appropriate support plans have been implemented.

If the school commissions Hackney Education's traded school attendance service then any difficulties a pupil had with returning to school or sustaining regular school attendance can be discussed with the school's allocated School Attendance Officer.

Schools that do not commission Hackney Education's traded attendance service will need to consider what actions they need to take to ensure that the pupil is safe and well; and supported to return to regular school attendance.

Clinically Vulnerable (CV) and Clinically Extremely Vulnerable (CEV) Pupils

The government advice is that children, even those with existing health conditions, are at a low risk of becoming very unwell from Covid-19.

Children who are classed as CV are expected to attend school, though schools may wish to consider their condition as part of their Covid-19 risk assessment arrangements.

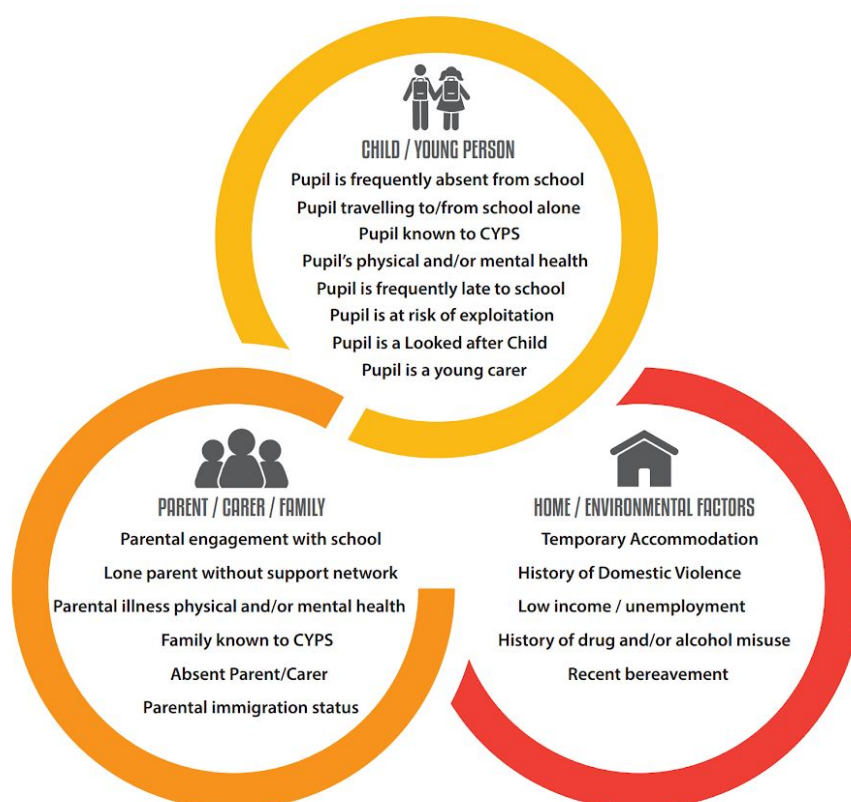
Children that are CEV should not attend school while shielding remains in place. Some children who previously classified as being CEV may no longer be required to shield. If in doubt schools should ask parents if they have received a shielding letter for their child. If parents are unsure about whether their children are required to shield they should be advised to speak to their GP or specialist clinician to establish whether or not they are still required to.

Those children who are CEV and are in receipt of a shielding letter must receive remote learning while shielding remains in place.

Children who live with someone who is CV or CEV, but who are not CV or CEV themselves, are required to attend school. Where parents or children are anxious about attending schools should seek to reassure parents and children about the measures put in place to reduce risk.

If in doubt as to whether a pupil should attend, schools may wish to seek advice from an appropriate medical practitioner. You may require parental consent to do this.

This diagram below seeks to support schools in considering the vulnerability for any pupil who is absent, by considering all the relevant factors around the Child, Parent and Family, Home and Environmental factors. Schools must remain 'professionally curious' when any child is absent.



Attendance Registers

From March 8th attendance registers should be made in the usual way.

Where pupils are not immediately able to return to school on the 8th March due to a staggered start as a result of implementation of the lateral flow testing programme then those pupils should be marked using the Y code (unable to attend due to exceptional circumstances).

Where pupils cannot attend school due to Covid-19 the X code can be used. This category must only be used to record sessions that take place in the 2020 to 2021 academic year where a pupil does not attend because their attendance at school would be:

- contrary to guidance relating to the incidence or transmission of coronavirus (COVID-19) from Public Health England (PHE) and/or the Department of Health and Social Care (DHSC)
- prohibited by any legislation (or instruments such as statutory directions) relating to the incidence or transmission of coronavirus (COVID-19)

Schools should return to using the attendance and absence codes in use before the outbreak in addition to the new category of 'not attending in circumstances related to coronavirus (COVID-19)':

- Pupils not attending a session who meet the criteria for 'not attending in circumstances related to coronavirus (COVID-19)' should be recorded using **code X**
- schools should continue to use code X for non-compulsory school aged pupils who are not expected to attend a session, as they did before the outbreak

The X and Y codes do not count as an absence (authorised or unauthorised) for statistical purposes.

When a pupil is not able to attend school as a consequence of either a requirement to self-isolate or a positive Covid-19 test then schools are required to provide remote learning. They are not required to provide remote learning for pupils not attending for other reasons.

Leave of absence/holidays during term time

As the roadmap out of this latest lockdown progresses it may be possible to take holidays again either in the UK or abroad. This may lead to increased requests from parents for time off in term time.

There remains no entitlement to leave during term time for the purpose of a holiday. It is for each headteacher to determine what constitutes an exceptional circumstance and authorise leave on a case by case basis. This year, because of the pandemic and restrictions on travel, schools will need to consider some additional factors when assessing requests for exceptional leave.

Whilst we expect every child to attend school, some families will want to travel to see other family members who have been sick or to pay respects to those who have sadly passed away. There will also be families who have been asked to rebook a holiday or are in receipt of travel vouchers; these may have a use by date.

Key workers may also be restricted to when they can take leave from their workplace. Please treat all requests for exceptional leave sensitively and continue to ask for supporting evidence where necessary. You may want to put some information on your website to remind parents to keep holidays within school holiday breaks.

Hackney Education will issue fixed penalty notices for unauthorised leave in term time when it is in the public interest to do so.

You may have families that were abroad prior to 8th March who may need to quarantine on their return in line with government requirements before they can return to school. Such pupils should be recorded in registers using the X code and offered remote learning for the period of quarantine.

SEND

Schools must make all necessary adjustments to allow for SEND pupils to attend full time.

For further information, advice, support and/or guidance please contact your allocated Plan Coordinator.

Elective Home Education

Since the start of term there has been an increase in the number of children whose parents have opted to electively home educate their children. This is in part driven by concerns around Covid-19 and parents' anxiety about their children's return to school.

Where a parent advises a school that they wish to electively home educate their child we would ask schools, prior to removing them from roll, first seek to understand the reasons why parents have arrived at this decision and seek to address any concerns they may have.

Some parents have misconceptions about what elective home education involves with some thinking they will continue to receive support similar to that received during the lockdown or that the school or the local authority will provide remote learning. It is important that parents are fully aware of the responsibility that comes with elective home education before making a decision.

In addition as the pupil will be removed from the school roll when they opt for elective home education it cannot be guaranteed that the pupil would be able to return to the same school should parents then decide to return to school based education.

We would be grateful if schools could have these conversations with parents whenever a parent indicates that they wish to electively home education prior to referring the child to Hackney Council. This ensures parents are fully aware of what is involved and may prevent some children from losing their school place in the first instance.

If having spoken to the parent they wish to still opt for elective home education schools should notify the Pupils Out of School team at Hackney Education. Please ensure as part of the notification you inform the team of any safeguarding or wellbeing concerns you may have so we can prioritise contacting families where there are known concerns. The email address for contacting elective home education lead in the Pupils Out of School team is ehe@hackney.gov.uk.

If a child has a social worker and is on a Child in Need plan or a Child Protection plan please also contact the child's social worker without delay of the parent's decision.

If the child does not currently have a social worker but the school believes the decision to opt for elective home education places the child at risk of harm please speak to your Designated Safeguarding Lead to consider whether a parallel referral to FAST ought to be made as well.

Schools should not put pressure on parents who are unwilling to send their child to school to opt for elective home education. Such pressure may constitute off-rolling. Schools should instead seek to reassure parents around the measures they have put in place to reduce risk and if parents persist in not resuming their child's attendance at school consider whether using enforcement measures would be appropriate.

Pupils who stop attending school

Schools must make reasonable enquiries to locate the whereabouts of pupils if they have not resumed attendance or stop attending and also assure themselves as to their safety and wellbeing.

The escalation process around non-attendance should be:

Day 1-2 of non-attendance

Telephone/email/text parents and all named contacts to establish the child's whereabouts.

If you believe the child is at risk of harm, then you must contact FAST immediately.

Day 3-5

Community checks such as a visit to the home, checks with neighbours and the child's friends, if siblings attend another school – are they attending? Contact the child's previous school. Contact any known linked agencies and/or professionals. If a child resides in another LA, make contact with the home authority.

Day 6

Should the school fail to make contact with the family and they are concerned for the wellbeing or safety of the pupil then a referral can be made to CFS or FAST. If the child is already open to CFS, then a referral should be made to the allocated social worker. If not, then a referral should be made directly to FAST.

DSLs may obtain advice from FAST prior to making a referral by calling **020 8356 5500** and asking for a consultation.

Any referral must provide sufficient detailed information on the steps already taken to contact the family, along with details of the risk or why you are concerned. Referrals to FAST also require the consent of parents/carers unless the child is at immediate risk of harm and speaking to them first would potentially increase that risk further.

Please refer to the vulnerability diagram on page 6 for further considerations.

Day 6-20

Following a referral to FAST/CFS schools should continue making enquiries, including further home visits, checks with local agencies and S2S systems. At this time, we ask that the child remain on roll until instructed to be removed by a member of the Wellbeing and Safeguarding Team.

If the school is unable to locate the pupil

If having made reasonable enquiries the school has established that the pupil is no longer living at their registered home address and either no longer resides within a reasonable travel distance or they do not know the whereabouts of the child then they should refer the pupil to Hackney Education as a Child Missing Education.

If they have not already done so and believe the child is at risk of harm then a parallel referral should also be made to FAST.

If the school knows the whereabouts of the pupil but they are still not attending

Where a school believes the pupil is either still residing at the home address or is living within a reasonable travel distance to school then the school should take steps to secure the child's attendance at school. This should initially include seeking to address any underlying reasons for absence by providing pastoral/wellbeing support and/or reassurance.

If the school is still unable to secure the pupils return to school then they can consider whether using enforcement measures are appropriate. This could be casework in preparation for a prosecution or referring for a fixed penalty notice.