



Supporting schools to improve attendance

A staged approach to intervention

November 2022

Introduction

Absence from school is a serious issue for children. Much of the missed learning is never made up and places them at a disadvantage compared to peers, and impacts upon future attainment. There is evidence of a link between poor attendance and low levels of attainment. Therefore promoting good attendance is a priority for all schools and is achieved most effectively in situations where there is emphasis on good relationships with families and a responsiveness to any issues.

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

Success is most likely when attendance is seen as part of whole school processes for managing childrens' welfare. When developing a school policy on attendance this should combine a sensitive awareness of childrens' home backgrounds and community values with good communication with parents/carers and high expectations that children will make academic progress and achieve academic success. Successful attendance practice is characterised by close links with other key school policies such as behaviour, pastoral care and special educational needs.

Reducing absence is less likely to be successful if this is managed in isolation by the attendance officer and unconnected with wider school practice and procedures.

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

An overview of the guidance

This guidance covers:

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

Legal framework

As part of the general duty to safeguard children, schools must monitor attendance through the daily register. Schools should take steps to address poor or irregular attendance and where appropriate refer

to the local authority. They are also required to undertake reasonable enquiries to establish the whereabouts of children who have missed ten or more consecutive school days without permission.

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

What is our approach to reducing absence?

Hackney Education has adopted a staged approach for improving poor school attendance.

This model has three stages:

Stage 1 - PREVENTION

Stage 2 - EARLY HELP & SUPPORT

Stage 3 - STATUTORY INTERVENTION

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

How will Hackney Education work with schools?

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

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

Hackney's Education Attendance Service has two strands:

1. A traded service that provides specialist support and expertise to schools at Stages 1 and 2 in their response to persistent and overall absence; and
2. A Courts Officer, who is responsible for the statutory school attendance enforcement action.

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

Education Attendance Service

The Education Attendance Service is a traded service that supports schools with interventions at Stages 1 and 2. They work in partnership with schools on improving attendance. This can include providing advice and guidance; engaging with parents/carers around attendance, investigating the

reasons for absence and undertaking reasonable enquiries, issuing penalty notice warning letters and undertaking casework to improve attendance on behalf of schools.

Courts Officer

A dedicated Courts Officer will lead on all statutory parental responsibility and enforcement measures (including fixed penalty notices and prosecutions) and is available to advise schools on the use of enforcement measures against parents in relation to absence from school.

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

Safeguarding children and young people

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

1. **Universal** - Low level concerns - lateness is able to be managed by the school
2. **Early Help** - Regular truanting. Non-attendance which is not certified by health professionals / unexplained absence
3. **Complex/S.17/Child in Need** - Chronic non-attendance, truanting. Child/young person avoids school in order to stay safe.
4. **Acute risk of harm/S.47/Child Protection** - The child frequently exhibits negative behaviour or activities that place self or others at imminent risk including chronic non school attendance

If during the work to improve attendance a child is identified as having complex needs, is at acute risk of harm, or has experienced significant harm, then a referral should be made to MASH so that they can instigate a statutory response.

The MASH consultation line can be contacted on 020 8356 5500 (9am-5pm Monday-Friday). Out of hours the Emergency Duty Team (EDT) can be contacted by phoning 020 8356 2710.

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

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

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

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

Lead service: Schools

Children with levels of attendance between 93% and 100% will primarily receive support from their school through whole school approaches to promote good attendance and in house support services such as telephone calls; texts; letters; and meetings with parents.

The expectation is that schools will:

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

Stage 1 ends when the systems in schools for supporting good attendance have been unsuccessful at either maintaining attendance at an acceptable level or preventing a decline in attendance. When this

occurs schools should transition to Stage 2, which provides a more focused child and family level intervention to support the child to return to good attendance.

Hackney Education's Education Attendance Service can support schools with developing good whole school practice and implementing interventions at Stage 1. Details of the traded offer can be found in Appendix A.

Stage 2: Early Help & Support

Lead service: Schools with support from external agencies

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

Casework to address persistent and severe absence

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

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

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

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

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

The meeting should then draw up a plan that sets out what the school, the parents/carers, the child and any agencies involved will do to overcome any barriers to regular attendance. The plan should not be limited to improving school attendance but also consider what further additional support that may be needed by the child or their family.

Parents/carers should be invited to any meeting in writing. This letter must advise parents of their legal obligations in relation to regular attendance at school.

If not already involved schools should also consider drawing upon the support of Hackney Council's suite of early help services, such as Family Support, Young Hackney and/or the Medical Needs Tuition Service, to help overcome barriers to attendance.

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

If the plan identifies a need for holistic family support, or coordinated multidisciplinary intervention, schools' should consider, as part of the plan, completing a '[Request for Support](#)' form with consent from the family before submitting the form completed with the family to the Early Help Hub.

The plan should include timescales for actions and by which an improvement in attendance is anticipated to be seen.

Schools may wish to consider formalising the improvement plan in the form of a Parenting Contract. This would set out the agreed actions that will be taken by the parent/carer, the school and any other services involved. This should be signed by all parties to the contract.

There is no obligation to offer a Parenting Contract and parents cannot be compelled to sign the contract however consideration should be given to formalising the plan in this format. Further details on Parenting Contracts can be found in the DfE guidance, 'Working Together to Improve School Attendance' and a model Parenting Contract can be found at Appendix B.

Secondary schools should, if considered appropriate, involve the young person in drawing up the contract if it is felt their involvement would be beneficial in securing an improvement in attendance.

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

If a parent does not attend the meeting or declines all offers of support the school should discuss the matter with their designated safeguarding lead and consider whether a referral to MASH is necessary. In considering this school should consider the Hackney Wellbeing Framework thresholds.

Parents/carers must be sent copies of the minutes and agreed actions taken at meetings and any subsequent review meetings whether they were present or not.

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

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

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

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

These are:

1. The intervention is closed as sufficient improvement has been achieved and the child can be supported at Stage 1;
2. Further targets are set, with appropriate support identified and a new review date set; or
3. The intervention has not been successful and/or the parent/carer has not engaged with the support the meeting may decide to refer the parent to Hackney Education for a Stage 3 consideration of statutory intervention..

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

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

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

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

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

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

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

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

Hackney Education's traded offer to schools can support them with child level casework necessary to support them and/or their parents/carers at Stage 2 to improve attendance. This could involve issuing penalty notice warning letters; co-coordinating multi-agency meetings with parents/carers; making referrals to other agencies; and devising plans to improve a child's attendance.

Where schools do not commission Hackney Education's attendance service schools will be responsible for undertaking these actions themselves or commissioning others to undertake this work on their behalf.

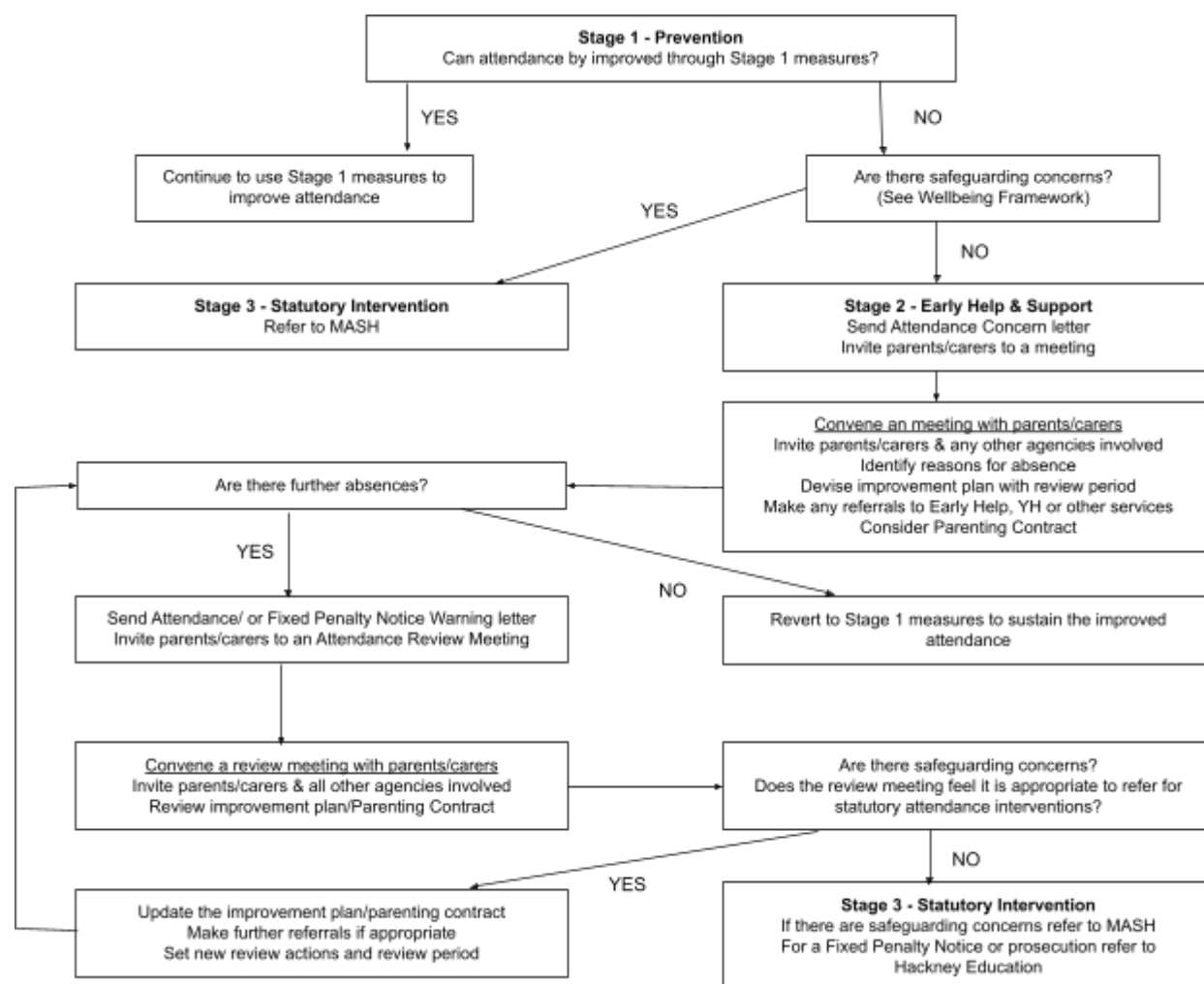
Severely absent children

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

Schools should follow the above procedures for these children in order to identify and address any barriers to attendance for these children. In addition School Attendance Officers/Leads should discuss such severely absent children with the school's Designated Safeguarding Lead (DSL) to consider whether a referral to MASH would be appropriate for statutory social work intervention. These children may well be children in need as defined by the Section 17 of the Children Act 1989. DSLs can contact the MASH consultation line on 0208 356 5500 for advice on whether a referral would be appropriate.

Schools should also notify Hackney Education of all severely absent children at the end of each term with details of which services are involved and a summary of the plan to improve their attendance.

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



Stage 3: Statutory Intervention

Lead service: Hackney Council

Statutory intervention by Hackney Council can take the form of either:

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

Statutory Children's Social Care Involvement

Where there are safeguarding concerns and an Education Supervision Order (ESO) is not appropriate or has not been successful the case should be considered for a Section 17 or Section 47 statutory social care involvement.

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

Referrals for statutory children's social care intervention can be made to Hackney's MASH. Schools should complete the online [MASH referral form](#).

Schools should refer to the Hackney Wellbeing Framework when considering whether there are sufficient grounds for a referral to Children's Social Care.

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

DSLs can obtain advice on potential referrals from the MASH Consultation Line on 0208 356 5500.

Education Supervision Orders

Education Supervision Orders (ESO) must be considered prior to any prosecution.

The Courts Officer will need to decide in all possible prosecutions whether an ESO would be more appropriate. If the child is already open to early help services or children's social care this decision should be done in consultation with them as those officers. In nearly all cases, they will be the designated supervisor responsible for the ESO and advising, helping and directing the pupil and their parent/carer to ensure the child receives an efficient, fulltime, suitable education.

Where a parent/carer is not complying with the early support and intervention arrangements then in deciding between an ESO and a prosecution the Courts Officer will need to consider whether or not an ESO will ensure the necessary engagement with support to secure regular school attendance.

Applications for an ESO are made to the family or high court and not the magistrates' court.

Persistent failure to comply with directions given under an ESO may result in the local authority prosecuting the parent/carer in the magistrates' court for non-compliance. Any such prosecution would require a statement from the designated supervisor responsible for overseeing the order setting out how the parent/carer has not complied with the requirements of the ESO.

Attendance Legal Interventions

The Hackney Education Pupils Out of School Team is responsible for leading all statutory legal intervention work in relation to fixed penalty notices and prosecutions.

Fixed Penalty Notices

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

All fixed penalty notices must be issued in accordance with Hackney's Penalty Notice Code of Conduct. Prior to referring to Hackney Education for a fixed penalty notice parents must be issued with a warning letter. This may be issued by the school or their commissioned Education Attendance Service officer.

Should there be further unauthorised absences then a referral can be made to Hackney Education for a fixed penalty notice to be issued under Stage 3.

Referrers wanting to submit a referral for a fixed penalty notice should submit a referral form along with the required supporting documentation to Hackney Education's Courts Officer.

All referrals should consist of:

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

Upon receipt the Courts Officer will:

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

If both of those apply then a fixed penalty notice will be issued.

Once issued parents/carers then have 28 days to pay. If the penalty notice is paid within the first 21 days the amount to be paid is £60. If it is paid between the 21st and 28th day it is £120.

A penalty notice should only be withdrawn after issue for one of the following reasons:

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

If a penalty notice remains unpaid at the end of the 28 day period Hackney Education will consider bringing a prosecution under Section 444(1) of the Education Act 1996.

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

The penalty notice will normally only be withdrawn if it is not considered to be in the public interest to pursue a prosecution. In most cases this will be when new information has come to light since the penalty notice was issued. The decision to withdraw a Penalty Notice after issue must be agreed with the Principal Officer, Pupils Out of School.

Prior to deciding whether or not to proceed with a prosecution the Courts Officer must first consider whether it would be more appropriate for an Education Supervision Order to be applied for.

The Court's Officer may require additional information from the school regarding the support offered to improve attendance prior to making a decision.

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

- A witness statement; and
- A pack containing all the supporting evidence ready to submit to the magistrates' court.

These will be considered by the Director of Education who will decide whether or not to authorise the prosecution.

Prosecutions will follow the Single Justice Process.

Referral to the local authority for prosecution

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

The referrer should submit the following to the Courts Officer:

- Referral form
- Summary of evidence
- A witness statement covering their work
- Exhibits list
- A certificate of attendance signed by the head teacher
- Copies of exhibits (i.e. minutes of meetings, letters, plans, etc)
- Tracker form for stage 1
- Material relevant to the offence that has not been submitted as an exhibit as part of the prosecution. This material needs to be assessed by the prosecution to see if any items undermine the prosecution case or can assist the defence case.

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

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

Interviews under caution will only be carried out in exceptional circumstances and require the presence of two officers from Hackney Education.

Assuming the referral is in order and none of the statutory defences apply the Courts Officer will then consider whether or not to recommend to the Director of Education that the case proceeds to a prosecution in the magistrates' court (see section on The Decision to Prosecute).

As part of this process the Courts Officer will consider whether it is more appropriate to apply for an Education Supervision Order as an alternative recommending a prosecution.

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

Decisions on prosecutions will be discussed with the Principal Officer, Pupils Out of School, who will quality assure cases prior to seeking authorisation from the Director of Education. .

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

The Courts Officer is available to discuss possible referrals prior to referrers making the actual referral.

The decision to prosecute

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

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

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

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

- Take No further action
- Administer a Simple Caution
- Apply for an Education Supervision Order or a Parenting Order

The decision on whether to recommend whether a case is prosecuted will be made by the Courts Officer in consultation with the Principal Officer, Pupils Out of School.

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

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

The offences

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

Section 444 (1) states:

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

Section 444 (1A) states:

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

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

Possible outcomes following a prosecution

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

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

The Courts Officer will report back to the school the outcome of any prosecution.

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

Appendix A - Education Attendance Service (traded offer) 2022/23

Hackney's Education Attendance Service will work with you to identify the underlying reasons for absence and implement strategies to support children to have regular attendance. As well as supporting effective whole school practice to reduce overall and persistent absence, we work directly with individual children and parents to bring about an improvement in attendance. All our packages can be tailored to your school's priorities.

These packages will be reviewed for 2023/24 to reflect the new guidance.

Attendance service packages

Hackney Education has revised its attendance service packages for the 2021/22 in order to provide a clearer improvement offer to schools. Our packages build on the service's expertise in engaging families through outreach work, targeted in-school interventions, developing effective whole school practice and undertaking statutory intervention casework in relation to fixed penalty notices and prosecutions.

Our packages are:

Light

This package is recommended for schools that have below average rates of absence and good systems for managing attendance but wish to have access to specialist attendance services to assist them to maintain their good rates and provide additional intervention capacity. It replaces our two and three day per term packages.

Schools will be able to access the expertise of our specialist officers, who will be able to provide advice on complex cases; guide you in making referrals for fixed penalty notices and prosecutions; and undertake an annual review of registers, policies and procedures with a report providing you with external assurance in your school's practice.

The cost of the light package is £2,075

It is possible to tailor your package to your priorities by purchasing an add-on to supplement your light package. Add-ons will provide you with the opportunity to provide additional tailored support around reducing persistent absence; issuing fixed penalty notices; or undertaking casework with individual families.

Each add-on costs £1,025 on top of the cost of the light package.

Standard

The standard package is recommended for schools who manage attendance well and whose absence rates are in line with the average absence rates but who want to improve further or who want active support in order to maintain their current levels. It replaces our half day per week package.

The standard package provides school's with access to all the expert advice and interventions that most school's need to improve attendance. Our officers will visit your school more regularly and undertake work with you to reduce persistent absence, issue fixed penalty notices and undertake casework with families to improve attendance.

The cost of the standard package is £6,650

Enhanced

The enhanced package is recommended for schools that currently have above average absence rates and want regular support to improve their attendance. It replaces our one day per week package.

The enhanced package builds on the standard package and our officer would frequently visit your school and provide you with an even greater level of support around reducing persistent absence, issuing fixed penalty notices and undertaking casework than would be available in the standard package.

The cost of the enhanced package is £13,175

Training

Bespoke training on how to improve attendance can be commissioned at the standard Hackney Education rates.

Appendix B - Parenting Contract Template

Attendance Improvement Parent Contract

Meeting date/time:	
Location:	

Child's name	
Date of birth	
Home address:	
School:	

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

Attendance target:	
Timescale for improvement:	
Date of review meeting:	

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

Parent/carer:

Pupil:

School:

Other agency: