

# **SBC Attendance Service Procedural guidance Schools referral process for:**

- Children Missing Education Referral (CME)
- Pupil Tracking Referral (PT) (deletion return)
- Elective Home Education Referral (EHE)
- New Starter Referral (attendance return)
- Part-time Arrangements Notification
- Flexi-Schooling Arrangements Notification
- Deletion from the Admissions Register
- Persistent Absence (PA) & Severe Absence Referral
- Notice to Improve and Penalty Notices (WP/PN)

Updated August 2024

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## Introduction

As stipulated by the DFE Working Together to Improve Attendance which came into force on 19<sup>th</sup> August 2024, this document provides procedural guidance for Slough schools in the key areas managed by the SBC Attendance Service consisting of all school attendance related procedures and referral processes/pathways for:

- Children Missing Education (CME)
- Pupil Tracking (PT)
- Elective Home Education Referral (EHE)
- New Starter Referral
- Part-time Arrangements Notification
- Flexi-Schooling Arrangements Notification
- Persistent Absence Referral (PA) & Severe Absence
- Notice to Improve and Penalty Notices (NTI/PN)

Referral forms and Guidance templates for the above areas are available on the website: [Slough Attendance information for Schools](#)

This guidance should be read alongside other relevant statutory guidance:

- [Working Together to Improve School Attendance](#)
- [Keeping children safe in education \(GOV.UK\)](#)
- [Children Missing Education Statutory Guidance \(GOV.UK\)](#)
- [Elective home education Statutory Guidance \(GOV.UK\)](#)
- [Working Together to Safeguard Children \(GOV.UK\)](#)

Current areas of development within Slough Attendance Service include:

- Development of 'ERSA' toolkit
- Enforcement Procedures
- Medical Needs Provision

# 1.The Importance of School Attendance

Improving attendance is everyone's business. The barriers to accessing education are wide and complex, both within and beyond the school gates, and are often specific to individual pupils and families.

Some pupils find it harder than others to attend school and therefore at all stages of improving attendance, schools, the LA and partners should work together to remove any barriers to attendance by building stronger communications and intervention pathways for children and their families.

## 1.1 The Law on School Attendance

The law entitles every child of compulsory school age 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.

## 1.2 Children at risk of Missing Education

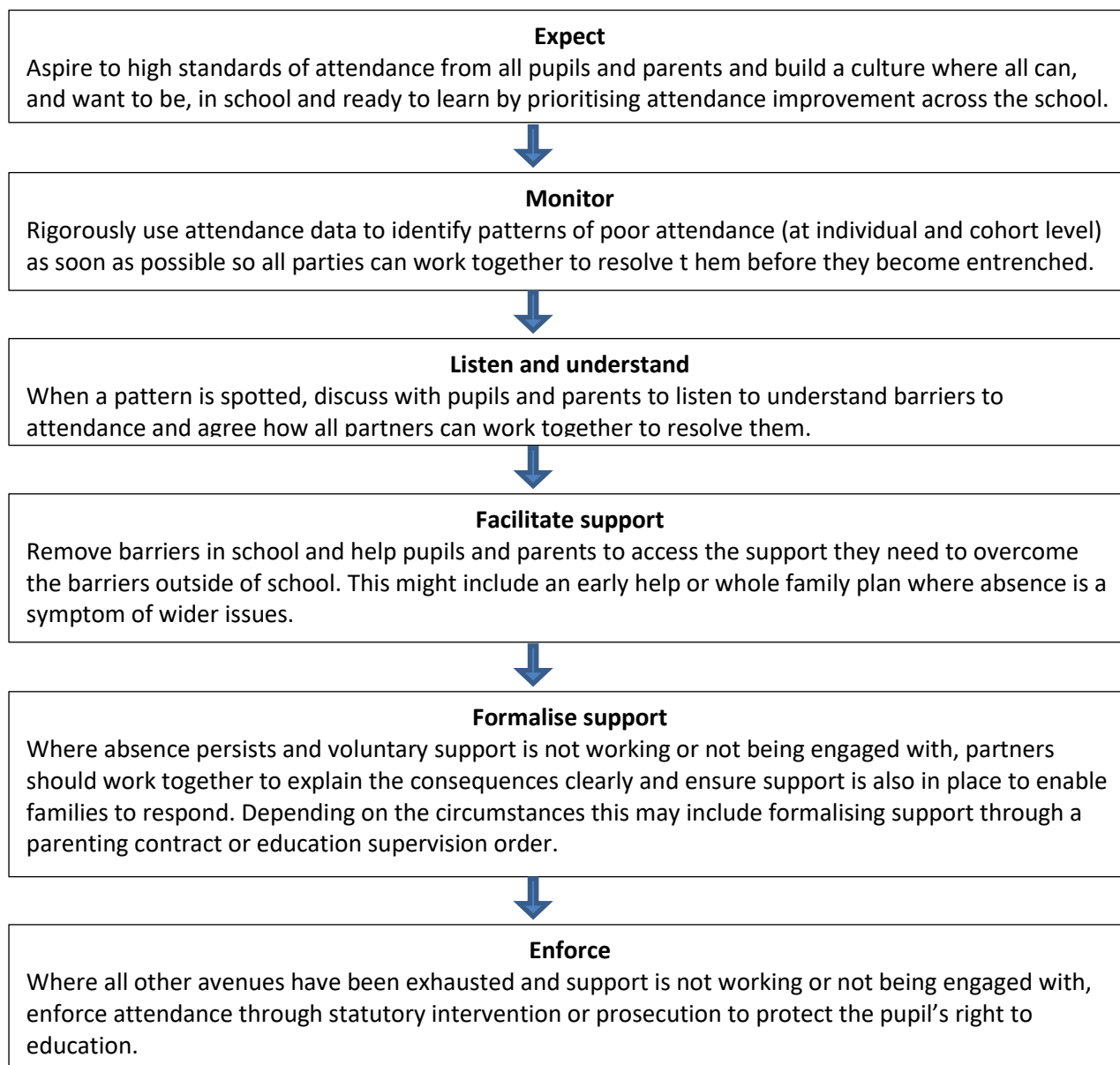
School governing bodies, academy trusts, and other school proprietors must have regard to the statutory guidance '**Keeping Children Safe in Education**' when making arrangements to safeguard and promote the welfare of children. Schools should put in place appropriate safeguarding responses for children who go missing from school, particularly on repeat occasions. Where reasonably practicable, for every pupil, schools should hold an emergency contact number for more than one person. Emergency contact numbers should be provided and updated by the parent with whom the pupil normally resides. This goes beyond the legal requirement but is good practice. Doing so provides schools with additional options for contacting a responsible adult when a child is missing school and is also identified as a welfare and/or safeguarding concern.

Where school staff have concerns about a child, they should use their professional judgement and knowledge of the individual pupil to inform their decision as to whether welfare concerns should be escalated.

If at any point there is reason to believe a child is in immediate danger or at risk of harm, a MARF (multi-agency referral form) should be completed and returned via The Front Door. Also, where appropriate, schools can contact the police directly in accordance with the School's Safeguarding Procedures.

## 1.3 Working together to Improve School Attendance

Successfully treating the root causes of absence and removing barriers to attendance, at home, in school or more broadly requires schools, the LA and partners to work collaboratively with, not against families. All partners should work together to:



[Working together to improve school attendance \(GOV.UK\)](#)

## 2. Children Missing Education (CME) & Pupil Tracking (PT)

### 2.1 Who are Children Missing Education?

Children Missing Education CME are children of compulsory school age (5-16) The DfE defines CME as: 'Children of compulsory school age who

- are not registered pupils at a school and
- are not receiving suitable education otherwise than at a school
- who have been out of any educational provision for a substantial period of time (usually four weeks or more).'

Children Missing Education should **not** be confused with:

- children who are on roll at a school but are not in regular attendance.
- children who are receiving Home Education (known as Elective Home Education)

## 2.2 Statutory Responsibilities of the LA

The LA has a duty under Section 436 A of the Education Act 1996 to establish (in so far as is possible to do so), the identities of children in its area who are of compulsory school age but are not registered pupils at a school or receiving some other form of suitable education. The obligation under Section 436A of the Education Act 1996, as outlined above, includes a duty under s437 of the Education Act to intervene if it appears that a child is not receiving a suitable education.

The SBC Attendance Service are responsible for managing local procedures in line with this statutory guidance. These **pupil tracking** procedures include:

- investigate and track CME referrals made by schools, other agencies and other LAs
- maintain a database of CME
- ensure that up to date information regarding school places and access to alternative provision is readily available from pupil Admissions
- ensure appropriate monitoring and tracking systems are in place
- deliver training/briefings to schools and agencies to support the CME function, if requested
- support and encourage schools to transfer files via S2S
- information share with other service services including Early Help, Social Care, YOT etc.

## 2.3 Statutory Responsibilities of Schools

Schools also have safeguarding duties under section 175 of the Education Act 2002 in respect of their pupils, and as part of this should investigate any unexplained absences. Academies and independent schools have a similar safeguarding duty for their pupils. Schools have a key role in ensuring that children do not become CME.

All schools are required to have an admission register and, with the exception of schools where all pupils are boarders, an attendance register. All pupils must be placed on both registers.

The main changes to legislation from **19<sup>th</sup> August 2024** are as follows:

**The School Attendance (Pupil Registration) (England) Regulations 2024** can be found at: [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

From the **19<sup>th</sup> August 2024**, schools must:

- inform their LA when they are about to delete a pupil's name from the admission register under all fifteen grounds. Schools should not remove a child from the school roll without being instructed to do so by the LA in certain cases as outlined in section 7 of this document (Deletion from the Admission Register (Off-rolling))
- record details of the pupil's residence, the name of the person with whom they will reside, the date from which they will reside there, and the name of the destination school (where they can reasonably obtain this information)
- inform their LA of the pupil's destination school and home address if the pupil is moving to a new school
- provide information to their LA when registering new pupils within five days, including the pupil's address and previous school (where they can reasonably obtain this information).

## **2.4 What are Schools required to do?**

**Reasonable enquiries** should commence as soon as you are aware of or believe a child is missing from education. Enquiries should include:

- Making enquiries within school with class teachers, friends (if appropriate)
- Telephone calls made to any numbers held on school records
- Attempt telephone contact with all known emergency numbers
- Email parents and contacts on the school's most up to date contact form
- Write to the address of both parents (if they live separately and is appropriate to do so)
- Contacting family, relatives known to the school, landlords and other significant adults
- Speak to other agencies that have been working with the family such as social care, early help, youth offending team
- Contact any schools known to have siblings or relatives on their roll
- Conduct a home visit if you have been unsuccessful in locating the pupil's whereabouts and if safe to do so. Speak to neighbours if at all possible
- If you have been provided with a forwarding address in the UK, it is expected that you make enquiries with that Local Authority

This list is not exhaustive; cases should be taken on an individual basis meaning that enquiries may differ case to case.

### **Points to consider prior to making a CME or Pupil Tracking referral**

Whether there are siblings at other schools, please liaise with them before making a referral. In some cases, the other schools may have located the family through enquiries.

- Whether a family has provided an address in another Local Authority, enquiries must be made with that authority to try to confirm the whereabouts of the family before making a referral. School records should be updated accordingly.



## 2.5 What the Local Authority will do when they receive a CME or Pupil Tracking Referral Form

Once the Local Authority receives and approves a Children Missing Education (CME) referral, we will:

- Check LA databases
- Attempt to contact the parent, relatives and neighbours using known contact details
- Check DFE census returns
- Conduct checks with health, police, Children's Social Care, and other partner agencies (reasonable enquiries)
- Conduct additional home visits if required
- Send warning letters to the family reminding them of their legal duty as a parent to ensure their child receives a suitable education
- Contact other Local Authorities/areas where required
- Provide an update to schools on the referral where they requested this
- Inform the school once statutory checks have been completed and whether or not the school can remove the child from roll
- Verify the whereabouts of the child as far as reasonably possible and obtain an update of the child's new education.

## 2.6 LA's Prioritisation of Referrals

Due to large numbers of referrals, it may be necessary for the CME caseload to be prioritised due to the potential risk to the child. High risk will be identified by the following criteria:

- Children with open social care involvement or Early Help involvement
- Looked after children
- Children reported as missing from home
- Children engaged in offending behaviour
- Children living in homes where domestic abuse exists has been identified
- Children and families who have gone overseas with limited information or Early Help/Social care involvement

## 2.7 Making a CME referral to the LA Attendance Service

To access the CME Referral Form refer to the [school attendance webpages](#)

**Please Complete Section 1, 2 & 3** for all children leaving the school for whom a school destination is unknown.

**Please complete section 4 in addition to 1, 2 & 3** for any overseas based moves with or without a forwarding living or school address. **NB:** Please give consideration to the possibilities of; forced marriage, child trafficking, child sexual exploitation, that the child(ren) may not be leaving the country as reported and any other potential safeguarding risks. Please complete (*typed not handwritten*) and return in **Microsoft Word format** via egress to [pupiltracking@slough.gov.uk](mailto:pupiltracking@slough.gov.uk) using the following text within the subject box of the email.

**'CME Referral - School Name - initials of pupil'** – e.g., CME Referral - Slough Secondary - JB

**Schools MUST only send 1 CME referral per email to avoid any breach in GDPR, Data Protection. As we may need to forward emails, CME referral on to other agencies.**

## 2.8 Making a Pupil Tracking Referral (deletion return)

To access the Pupil Tracking Referral form refer to the [school attendance webpages](#).

Please complete **all sections** of this form for any pupil moving from your school to another school and the new school destination is known in either **in** or **out** of Borough.

Please **do not** use this form for overseas cases

Please complete (**typed not handwritten**) and return in **Microsoft Word format** via email to [pupiltracking@slough.gov.uk](mailto:pupiltracking@slough.gov.uk) using the following text within the subject box of the email.

**'Pupil Tracking - School Name - initials of pupil'** e.g., Pupil Tracking - Slough Secondary - JB

**10 days notice is not required to be given to the LA for school to school transfers as long as the new school start date has been confirmed.**

## 3. Elective Home Education (EHE)

### 3.1 Statutory Framework

In England, education is compulsory, but attending school is not. Section 7 of the [Education Act 1996](#) states that:

Some parents choose to do this by educating their children at home. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education that "achieves that which it sets out to achieve", and a "suitable" education as one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".

Article 2 of Protocol 1 of the European Convention on Human Rights<sup>1</sup> states that:

**“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.**

Parents have a legal duty under **Section 7 of the Education Act 1996** to cause their children to receive efficient full-time education suitable to their age, ability and aptitude and to any special educational needs which they may have, “either by regular attendance at school or otherwise”. (The phrase “or otherwise” can mean “at home”.)

The DfE’s published departmental guidance for Local Authorities/Schools (2019) makes it explicit that: ‘Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the

issues behind the absenteeism and use the other remedies available to them.’  
Local authorities and Schools should work together to ensure that every child has

The DfE has published [departmental guidance for Local Authorities/Schools and for Parents in relation to EHE \(GOV.UK\)](#). The Local Authority must discharge its responsibilities which they have under Sections 436A and 437 of [The Education Act 1996](#).

### 3.2 What are schools required to do?

Please refer to SBC’s EHE Policy and Procedures documents for more information

In Slough we ask that parents confirm their intentions to EHE their child in writing to the current school. However, this is not compulsory meaning that there are two scenarios need to be considered in order to avoid the risk of a child missing education:

**Scenario 1:** Where parents may have indicated that they intend to home educate but have **not** confirmed in writing or when the school suspects that a child is being home educated, the school should immediately inform the LA. Schools SHOULD NOT remove the child from the roll until approval has been provided by the LA following their investigations. Approval will be given once the LA has established with the parent(s) that it is indeed their intention to withdraw their child(ren) from the Education system for the purpose of EHE, and that they understand what their responsibilities are.

**Scenario 2:** When a parent **formally notifies** the school that they are withdrawing their child for EHE the school is required to follow the process outlined below and then notify the Attendance Team.

- Ensure that the parents’ decision to EHE their child is purely a voluntary decision
- Obtain written notification from the parent of their intention to EHE their child. This confirmation letter/communication should be included in the EHE referral form completed by schools.
- Discuss the reason the parent has chosen to EHE their child
- Discuss and address any concerns that the parent has with the school / dissatisfaction with the system if this is being used as a reason for withdrawing from the school roll
- Ensure that the parent is clear on what their responsibility is when they opt for EHE.
- **The following should be relayed to the parent;**
- Ensure that the parent understands that, in accordance with Section 7 of [The Education Act 1996](#), they have the responsibility to ensure that their child receives “efficient, full-time education suitable to;  
▪ His age, ability and aptitude and any special educational needs he may have either by regular attendance at school or otherwise  
▪ Parents must be prepared to assume full financial responsibility, including bearing the cost of any public examinations

In Slough we advise, as good practice, that schools allow a ‘cooling off’ period of 20 school days to enable the parent to be given advice, independent of school, (by the EHE Officer(s)) about their options and the implications of any decision before the school place is available for reallocation.

**Please note:** If the child concerned has an EHCP and is on roll at a mainstream or special school, the parents must obtain the agreement of the local authority's SEND team before they remove their child from their current education setting and proceed with EHE. The child's name will only be removed from school roll when an Early Annual Review has taken place the SEND service are in agreement with the EHE arrangement

### **3.3 What the Local Authority will do when they receive an EHE Referral Form**

Once the Local Authority receives and accepts a EHE referral, we will:

- Check all databases in relation to the child's status i.e. known to social care/early help (where this is the case the relevant case worker will be notified)
- Make contact with the parent to confirm their intentions to EHE and establish their reasons for doing so
- Notify the parents of their legal responsibilities
- Once it has been ascertained that the child will be purposely home educated, the Attendance Team will;
- Notify the Home Education Advisory Teacher at Littledown of the case who will arrange an initial visit with parents in approx. 6 weeks and thereafter annually to establish the child is being suitably educated at home
- Take further action in cases where it appears that a suitable education is not being provided as per The Education Act 1996. This action may include additional visits, support and/ or enforcement against the parent (School Attendance Order)
- The LA will inform the school once the investigation has been completed and the school can remove the child from roll.
- The child will be added to the borough's EHE register

### **3.4 Making an EHE referral to the LA Attendance Service**

To access the **EHE Referral form** refer to the [school attendance webpages](#)

Complete all of Section 1

Please complete (*typed not handwritten*) and return in **Microsoft Word format** via egress to [pupiltracking@slough.gov.uk](mailto:pupiltracking@slough.gov.uk) using the following text within the subject box of the email. 'EHE referral - School Name - initial of pupil – e.g. EHE referral - Slough Secondary - JB

## **4. Maintaining the Admissions Register**

### **4.1 Statutory Framework**

In accordance with regulation 12(3), (4) and (5) of the Education (Pupil Registration) (England) Regulations 2006 as amended, a school must notify the local authority within 5 days of adding a pupil's name to the admission register and must provide the local authority with all the information held within the admission register about the pupil. This does not apply to pupils who are added to the admission register at the start of the school's youngest year (for example, pupils who are registered at secondary school at the start of Year 7) unless the local authority requests such information. **A full list of the attendance and admissions**

**codes** can be cited within Section 8 of [Working together to improve school attendance \(applies from 19 August 2024\)](#)

## 4.2 Notifying the LA of a New Starter (attendance return)

To access the **New Starter Referral Form** refer to the [school attendance webpages](#)  
Please complete **all sections** for any new pupils starting your school in year. Multiple names can be added in **Section 2**

Please complete (*typed not handwritten*) in **Microsoft Word format** and return via email to [pupiltracking@slough.gov.uk](mailto:pupiltracking@slough.gov.uk) using the following text within the **subject box of the email**.

'New Starter - School Name - initials of pupil' – e.g. New Starter - Slough Secondary - JB

## 5. Part-time Timetables

### 5.1 Statutory Framework and LA Guidance

**Statutory Guidance** on the use of part-time timetable is very clear:

The Department for Education 'School attendance: guidance for schools' states:

*'Can a school place a pupil on a part-time timetable? As a rule, no. All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil's individual needs. For example, where a medical condition prevents a pupil from attending full-time education and a part-time timetable is considered as part of a re-integration package. A part-time timetable must not be treated as a long-term solution. Any pastoral support programme or other agreement must have a time limit by which point the pupil is expected to attend full-time or be provided with alternative provision.'*

For further guidance on managing part-time timetable arrangements, please refer to SBC Guidance - Part-Time-Reduced Timetable refer to the [school attendance webpages](#).

### 5.2 Notifying the LA of a Part-time Timetable Arrangement

When a part-time/reduced timetable has been agreed for an individual pupil (including pupils with EHCP), the school should inform the Slough Attendance Service by completing the **Part-time timetable notification form** and return to [attendance@slough.gov.uk](mailto:attendance@slough.gov.uk)  
Please note, this does not constitute a referral, rather it is a notification. If you would like advice when a child is being placed on part time/reduced timetable or would like to discuss individual cases, please contact your allocated Attendance Officer.

Following receipt of the notification, the school will be contacted by the local authority around the proposed end date the part-time arrangement indicated on the notification form to confirm whether the child has returned to full time education. The school can also provide an update to the Attendance service at any point during the course of the part time arrangement to advise on any changes/extension to the arrangement.

To access the **Part-time Timetable Notification Form** refer to the [school attendance webpages](#).

## 6. Flexi-Schooling

### 6.1 Statutory Framework and LA Guidance

The Department for Education Guidance states: *“Although children being home-educated are not normally registered at any school, parents sometimes choose to make arrangements for a child to receive part of the total provision at a school - the purpose of this will often be to provide education in specific subjects more easily than is possible at home. Such arrangements are sometimes known as ‘flexi-schooling’. Schools are under no obligation to agree to such arrangements, but some are happy to do so. When a child is flexi-schooled, the parents must still ensure that the child receives a suitable full-time education but the element received at school must be taken into account in considering whether that duty is met.”*

Flexi-schooling arrangements are **not** the same as elective home education nor the temporary reduced time-table arrangements a school may put in place in exceptional cases to support a child’s reintegration back into school.

For further guidance on managing flexi-school arrangements, please refer to SBC Guidance - Flexi Schooling via the [school attendance webpages](#)

### 6.2 Notifying the LA of a Flexi-Schooling Arrangement

When a flexi schooling arrangement has been agreed for an individual pupil, (including pupils with EHCP), the school should inform the Slough Attendance Service by completing the **Flexi Schooling notification form** and return to [attendance@slough.gov.uk](mailto:attendance@slough.gov.uk) Please note, this does not constitute a referral, rather, it is a notification. If you would like any further advice regarding flexi schooling or would like to discuss individual cases, please contact your allocated Attendance Officer.

Following receipt of the notification, the school will be contacted by the local authority around the proposed end date the flexi-schooling arrangement indicated on the notification form to confirm whether the child has returned to full time education. The school can also provide an update to the Attendance service at any point during the course of the flexi-schooling arrangement to advise on any changes/extension to the arrangement.

To access the **SBC Flexi Schooling Notification Form** refer to the [school attendance webpages](#).

## 7. Deletion from the Admission Register (Off-rolling)

### 7.1 Statutory Framework

In accordance with regulation 12(6) of the Education (Pupil Registration) (England) Regulations 2006 as amended, a school must notify the local authority when a pupil’s name is to be deleted from the admission register under any of the reasons set out in regulation 8, as soon as the pupil’s name is to be deleted. This does not apply where the pupil’s name is deleted after they have completed the school’s final year (for example, pupils who leave primary school at the end of Year 6), unless the local authority requests such information.



Department for Education published the [Children Missing Education](#) guidance to support these changes.

To ensure that Slough Borough Council and all Schools [Working Together to Safeguard Children \(GOV.UK\)](#) schools are asked **NOT to delete** any pupil from the school roll without the approval of the Attendance Service in certain cases as outlined in section 7.4. This will ensure that;

- both Schools and the LA discharge their statutory duties
- every child can access their right to a full-time efficient and suitable education
- no child “falls through the net” between education provisions
- all children are tracked efficiently to minimise safeguarding risks

Schools must have regard to Departmental and Local Authority Guidance before removing any child from the school roll and the information set out in:

[The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#)

## **8. Persistent Absence (PA) & Severe Absence**

### **8.3 What are schools required to do?**

#### **Prevention: Through whole school attendance management**

- **All Pupils** – Develop good attendance patterns. Whole school approach which included leadership, ethos, systems and processes
- **Pupils at Risk of Poor Attendance** – Using attendance and absence data rigorously to support pupils with increasing levels of absence, arriving late at school or taking leave in term time with permissions before it comes a regular pattern

#### **Early Intervention: To reduce absence before it become habitual**

- Pupils with poor attendance such receive intervention at the earliest possible opportunity, agreeing actions and plans. Particularly for pupils demonstrating growing disengagement with school

#### **Targets reintegration of persistently absent and severely absent pupils**

- Put in additional targeted support, where necessary working with partners, and agree joint approach with local authorities for severely absent pupils

#### **Schools should decide to complete a PA/SA referral to the LA when;**

- The school has carried out all possible interventions to address the poor attendance, referred to other agencies for support where appropriate and the attendance is still unsatisfactory
- Parent/child has had the opportunity to address the poor attendance at a school level prior to an LA referral
- School has the relevant supporting evidence/documentation of their interventions that is required to go with the referral
- When alongside the above they wish to request consideration for a Notice to Improve. This requires 10 sessions of unauthorised absences in any 10 week period (Combination of Codes- O, G, U)

## **8.4 Making a PA/SA referral to the LA Attendance Service including requests for Notice to Improve**

To access the PA/SA Referral Form refer to the [school attendance webpages](#)

Please complete (typed not handwritten) and return in Microsoft Word format via email to [attendance@slough.gov.uk](mailto:attendance@slough.gov.uk) using the following text within the **subject box of the email**.

**'PA referral - School Name - initials of pupil'** – e.g. PA referral - Slough Secondary - JB or

**'SA referral - School Name - initials of Pupil'** - e.g. SA referral - Slough Secondary - JB

## **8.5 What will the LA do once a PA/SA Referral is received**

Upon receiving the referral, the Attendance Service will

- Check the form is completed as required
- Review evidence of intervention submitted by the school
- Acknowledge receipt and review action taken by the school
- If satisfied with intervention to date, the LA will write to the parent outlining attendance concerns and expectations to improve attendance
- Review attendance at the end of 3 - 6-week period
- Decide on next steps in cases where attendance has not satisfactorily improved. This may be a call/meeting with the parent or a recommendation to school that a) enforcement action is now initiated or b) referral to be made by the school to alternative agency i.e. Early Help/Family Support

Please Note: The LA may need to come back to the school for further information throughout this process.

### **Notice to Improve – The LA will:**

- check the form is completed as required and review all supporting information
- issue the “notice to improve letter” to the parent stating the 3 – 6 week time period. An email will be sent to the school informing them of the dates and that the school will monitor this period
- respond to parent queries in relation to the letter (there may be occasions that we need to refer back to school but in general terms we will keep all queries at LA level where possible)
- review the child’s attendance at the end of the warning period and consider next steps or closure on a case by case basis



## 9. Penalty Notices (PN)

From March 2021 additional information is required from schools in order to issue a Warning Period for unauthorised absences and Penalty Notices (fines) to parents for removing their child/ren from school for the purpose of a holiday. This was to further incorporate inclusion for all of Slough's pupils, ensure support is provided to CYP & families where needed and to meet the required legal obligations in terms of enforcement. The additional information has been useful and will continue to form part of the referral form.

### 9.1 Criteria

Penalty Notice requires: 10 sessions (5 days) consecutive unauthorised absence that is recorded as code G

### 9.2 What are schools required to do?

From September 2020, additional information was required from schools in order for the LA Attendance Service to have a better understanding of the reasons for poor attendance and to be able to support in the best possible way. This was to further incorporate inclusion for all of Slough's pupils, ensure support is provided to CYP & families where needed, to meet the obligations in respect of the Crown Prosecutors Code and ensure that we are all "Working Together to Safeguard Children".

Additional information that is required from schools includes;

- A Copy of registration certificate
- Records of school interventions to date (phone calls, meetings, home visits)
- Details of any referrals the school has made to other agencies i.e. Early Help, Youth Support

### 9.3 Making a PN referral to the LA Attendance Service

To access the PN Referral form refer to the [school attendance webpages](#). Please complete all sections (*typed not handwritten*) and return in Microsoft Word format via egress to [attendance@slough.gov.uk](mailto:attendance@slough.gov.uk) using the following text within the subject box of the email.

Penalty Notice - 'PN - School Name - initials of pupil' – e.g., PN - Slough Secondary - JB

### 9.4 What will the LA do once a PN Referral is received

**Issuing a Fine – the LA will:**

- issue the fine to the parent/s.
- refer any parental queries or disputes back to the issuing school (please note the decision to withdraw lies solely with the school headteacher during the payment period)
- monitor the enforcement process and payment of fine/s
- if payment is made no further action will be taken at this stage (parent has discharged their liability for this offence) – schools should contact the LA if attendance becomes a concern again via a new referral

- If no payment is made the LA will, along with legal services, consider prosecuting the parents under The Education Act 1996 (*see notes below on prosecution*)
- Make any necessary requests to previous LAs the child resided in relating to previous offences

### **Number of Fines That Can Be Issued**

In line with National Framework, the local authority will issue 2 penalty notices to a parent for the same child within a rolling 3 year period, so at the 3rd (or subsequent) offence(s), prosecution or another attendance legal intervention can be considered.

### **9.5. Prosecution**

- If parent/s do not pay the fine prosecution will be considered.
- It is important for schools to know that although fines have not been paid, it is not always appropriate for prosecution to take place as various factors need to be considered at this stage which includes child's overall attendance, improvements made throughout the enforcement process, social care/other agency involvement and if such prosecution is "in the public's interest"
- The decision regarding prosecution ultimately lies with Slough Borough Council's legal services
- The school will be notified by email via Egress of cases proceeding to court for prosecution
- When a case does go to court it is important for schools to know that if a parent pleads "not guilty" in court, the case is automatically listed for "Trial". At this stage the Headteacher (or designated person) may be called as a witness and subject to cross examination from the parents, their legal representative and the court

### **9.6 Withdrawal of Fines**

There are occasions when schools request a fine to be withdrawn and the following needs to be considered.

- Within protocol there are only 4 official reasons that the LA can withdraw a fine once it has been issued which are;
  - PN has been issued outside of the terms of the local code of conduct
  - it ought not to have been issued or issued to the person named as the recipient
  - PN contains material errors
  - where after the expiry of 28 days the penalty notice is unpaid, and the LA has not started legal proceedings or wishes to take such action under section 444
- It is not possible for fines to be withdrawn outside of the above reasons
- The Headteacher must give the instruction to withdraw a fine including the reason for withdrawal - requests from School Attendance Officers to withdraw a fine will **NOT** be accepted without the Headteachers approval.

## 10. School Attendance Order (SAO)

### 10.1 Statutory Framework

Section 437 of the Education Act 1996 confers a duty on LAs to consider issuing a SAO where it appears to it that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise and it appears to the LA that it is expedient that the child should attend school. This duty does not apply in relation to children who are registered at a school who are not attending regularly.

*[Note: Before serving a SAO, every effort should be made to engage the parents and help them to get their child/ren onto a school roll. This may include making sure the parents are aware of the location of schools in the area, the availability of places and explaining the admissions, or admission appeal arrangements and waiting list arrangements where necessary.]*

### 10.2 When the LA will consider instigation of an SAO

Parents who have refused all offers of a school place and have not provided evidence indicating a suitable education is being provided. This applies to all children of statutory school age including children with special educational needs *[Note: this also includes those with EHCPs].*

Parents who have removed their child from school and it appears are not providing a suitable education.

Parents who have moved into the Slough area and have not secured a school place and who have not engaged with the LA in providing information regarding the education of their child.

Prior to advancing to the stage of issuing notices all efforts should be made to engage the parents.

If the LA receives no information on the education being provided for a child i.e., a parent that is home educating their child is refusing to provide a report, the LA can assume that the child is NOT receiving a suitable education and look to proceed with a SAO.

SBC will assess on a case-by-case basis in order to determine the necessary course of action and will liaise with schools directly regarding their involvement according to [DfE SAO guidance](#).

To access **Slough's SAO Guidance and Procedures** refer to the [school attendance webpages](#)

## 11. Pupils with Medical Conditions or Special Educational Needs & Disabilities

### 11.1 Statutory Framework

Statutory Guidance stipulates that *schools, local authorities, health professionals,*

*commissioners and other support services should work together to ensure that children with medical conditions receive a full education. In some cases, this will require flexibility and involve, for example, programmes of study that rely on part-time attendance at school in combination with alternative provision arranged by the local authority. Consideration should also be given to how children will be reintegrated back into school after periods of absence.*

[Supporting pupils at school with medical conditions \(GOV.UK\)](#)

## 11.2 School and LA Responsibilities

Schools should:

- make reasonable adjustments where a pupil has a disability or putting in place an individual healthcare plan where needed.
- work with parents to develop specific support approaches for attendance for pupils with special educational needs and disabilities, including where applicable ensuring the provision outlined in the pupil's education, health and care plan is accessed
- work with families to help support routines where school transport is regularly being missed and work with other partners to encourage the scheduling of additional support interventions or medical appointments outside of the main school day.
- establish strategies for removing the in-school barriers these pupils face, including considering support or reasonable adjustments for uniform, transport, routines, access to support in school and lunchtime arrangements.
- ensure joined up pastoral care is in place where needed and consider whether a time-limited phased return to school would be appropriate, for example for those affected by anxiety about school attendance.

Pupils with long term illnesses or other health needs may need additional support to continue their education, such as **alternative provision** provided by the local authority. *The LA is responsible for arranging suitable education for children of compulsory school age who, because of health reasons, would otherwise not receive suitable education.*

SBC are currently working with WPH and alternative education providers to establish provisions for the new academic year. In the interim, please contact the Attendance & CME Manager directly for any such cases on [anjli.sidhu@slough.gov.uk](mailto:anjli.sidhu@slough.gov.uk)

## 12. Attendance Data - Studybugs

### 12.1 Statutory Framework

The local authority, statutory safeguarding partners and other local partners therefore have a crucial role in supporting pupils to overcome those barriers and ensuring all children can access the full-time education to which they are entitled. Local authorities are facilitators of wider support needed by individual families and schools to overcome barriers in the short term. They are also strategic leaders that work across a geographical area to remove barriers in the longer term.

Rigorously track local attendance data to devise a strategic approach to attendance that prioritises the pupils, pupil cohorts and schools on which to provide support to and focus its efforts on to unblock area wide barriers to attendance (page 26 of Working Together to improve school attendance)

- Uses attendance data from all schools in the area to identify the pupil cohorts, schools, and neighbourhoods/ towns on which to focus efforts. This should include benchmarking against neighbouring local authorities (both geographic and statistical) and regional and national averages to identify patterns and trends of concern.
- Uses that analysis to set a clear vision for improving attendance across the geographical area, underpinned by tangible short and longer term aims and priorities for improving attendance for particular cohorts of pupils identified. This should also include detail on how they will be achieved and by when.

## **12.2 What are schools required to do?**

Share information and work collaboratively with other schools in the area, local authorities and other partners when absence is at risk of becoming persistent or severe (working together to improve school attendance page 19).

Schools of all types, local authorities and other local partners should work jointly and share data on individual cases where it is of benefit to the pupil (e.g. health services where there are medical conditions or the police where there are extra-familial harms). Local authorities and schools (of all types) are expected to have a regular Targeting Support Meetings at least termly. Further, to facilitate timely collaborative working across partners, all schools are also legally required to share information from their registers with the local authority. As a minimum this includes:

- Every time a pupil's name is to be added to, or deleted from, the school admission register outside of standard transition times (including the statutory reason for deletion). For deletions this must take place before the deletion, and for additions it must be no later than 5 working days after the addition.
- The name and address of any pupil who fails to attend school regularly or has missed school for 10 days or more without the absence being recorded as authorised. Local authorities should agree the frequency this must be shared with all schools in their area. This should be no less frequently than once per calendar month.

Local authorities may seek, and schools are expected to provide, more frequent or comprehensive sharing of data than the statutory minimum where it is essential to fulfilling their obligations under the Education Acts and the expectations set out in Section 4 of this guidance. To avoid any unnecessary burdens for schools this should always be automatic from school registers and not require additional manual data collection/ returns (e.g. through a data aggregator directly from management information systems). This collaboration allows local authorities to facilitate quicker, more efficient joint working and better target their area wide attendance strategy. Similarly, whilst the law provides access to registers of maintained schools for local authority officers who need access to fulfil their obligations under the Education

Acts, all schools, regardless of whether or not they are covered by that legislation, are still expected to provide the local authority with access to support joint working between schools, trusts and local authorities.

### **12.3 LA use of data**

To ensure we meet our statutory duties of using data to track, understand and strategically plan around attendance we will share relevant data with internal partners. However, this will all be context driven.

When using data with external bodies individual schools are not identifiable and all data is numerical and provided within a wider context.

Data related to individual schools is used to work collaboratively with the named school and is part of a supportive conversation.

Individual pupil data maybe shared with internal partners within a Safeguarding context. If any concerns arise around a pupil's attendance, not within a safeguarding context, the LA attendance officer will consult with the named about this.

### **12.4 Data Protection**

Please refer to the approved DPIA document for Studybugs, which can be requested from attendance service.

## **SBC - Attendance Service Contact Details**

### **Attendance Manager:**

Anjli Sidhu

Tel: 07395 258177

[Anjli.Sidhu@slough.gov.uk](mailto:Anjli.Sidhu@slough.gov.uk)

### **Attendance/CME Officers**

Iram Basharat

Tel: 07540 163520

Sharon James

Tel: 07871 982884

Ghazala Khan

Tel: 07562 184226

Samantha Da Costa

Tel: 07523 936059

Diba Hussain

Tel: 07749 708439

### **Referrals for CME & Attendance**

Attendance Service Main Line:

01753 787670

Attendance Service Email:

[attendance@slough.gov.uk](mailto:attendance@slough.gov.uk)

Pupil Tracking Main Line:

01753 787670

Pupil Tracking Email:

[pupiltracking@slough.gov.uk](mailto:pupiltracking@slough.gov.uk)