**Guidance / useful information to schools holding a School Based Attendance Meeting**

**These do not form part of the meeting notes given to parents**

Prior to holding a school-based attendance meeting:

* Schools should consult the [Attendance Essential Guidance​](https://schools.essex.gov.uk/pupils/attendance_specialist_teams/Documents/School%20Attendance_ECC%20Guidance%20for%20Schools%20and%20Academies%20Sept%202021.docx)​
* At the meeting, all those present should be provided with an updated attendance certificate
* Pupils should attend, or their views should be provided and discussed at the meeting
* The meeting should outline:
  + Everything discussed
  + Any medical conditions / illnesses and related correspondence should be provided
  + Actions agreed (actions should be reasonable and achievable)
  + Expectations going forward for all concerned, including that medical evidence may be requested and required for future illness related absence
  + Legal intervention in the form of penalty notice or prosecution
  + Issuing of Legal Action Warning Letters – see section below
  + Parents / carers legal responsibility:

*Section 444(1) of the Education Act 1996 provides that if a child of compulsory school age ‘fails to attend regularly’ at the school where he is a registered pupil, his parent is guilty of an offence. On the 6th April 2017, in the case of Isle of Wight Council v Platt the Supreme Court judgement ruled that the word ‘regularly’ means ‘in accordance with the rules prescribed by the school’*

* At the end of the meeting, the notes taken should be photocopied. The original notes should be handed to each parent / carer and copies retained by the school

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| **The Importance of Attendance** |
| * Pupils who do not regularly attend school are more likely to fall short of achieving their full academic potential * Statistics show that 90% of persistent absentees, poor attenders or non-attenders fail to achieve five or more good grades at GCSE and approximately one third end up with no GCSEs at all * Poor attendance can:   + lead to disaffection amongst peers   + lost friendship groups   + missed opportunities to take part in school events such as drama and sports   + cause difficulties to catch up with work, which can lead to long-term absence |

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| **The Law ~ The Education Act 1996** |
| **By Law** – A child must start full-time education once they reach compulsory school age.   * This is on 31 December, 31 March or 31 August following their fifth birthday – whichever comes first * If a child’s fifth birthday is on one of those dates, then they reach compulsory school age on that date. For example, if a child reaches compulsory school age on 31 March, they must start full-time education the term after (summer term that year) * All children of compulsory school age must receive an appropriate full-time education suitable to their age, ability, aptitude, or any special educational needs they may have * The school leaving date is the last Friday in June of the academic year in which the child reaches their 16th birthday   **Parents / Carers** – are responsible for:   * Registering their child at a school or making other arrangements which provide an efficient education * Ensuring their child attends school regularly at the school at which they are registered * Applying for a planned absence of leave from school * Notifying the school when their child is absent unexpectedly   **Schools** – must either:   * Give permission for your child to be absent from school and mark the absence as authorised * **Or** mark the absence as unauthorised * **The Law** – says that parents / carers whose children are absent from school without good reason are committing an offence |

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| **Definition of Parent: Section 576 Education Act 1996** |
| The education related provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition set out in this section of the Education Act which defines ‘parent’ as:   * All natural parents, whether they are married or not; * Any person who, although they are not a natural parent has parental responsibility (as defined in the Children Act 1989) for a child or young person; and * Any person who, although not a natural parent has care of the child or young person – having care in this context means that a person with whom the child lives and who looks after the child, irrespective of their legal relationship to the child is a parent in education law |

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| **Legal Intervention – key points** |
| * Referrals can only be made once criteria has been met. Please refer to the [Essex Code of Conduct](https://eur02.safelinks.protection.outlook.com/?url=https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Code%2520of%2520Conduct%2520April%25202019.pdf&data=02%7c01%7c%7c5a5faa03f5434bc95b2708d849bb7d98%7ca8b4324f155c4215a0f17ed8cc9a992f%7c0%7c0%7c637340417274802124&sdata=NlCoP%2BizKvfw4KQ63fJY%2BM2a9hR9mrmm6IcMmmehU0k%3D&reserved=0) and the quick reference guide to referrals for legal intervention [here](https://schools.essex.gov.uk/pupils/attendance_specialist_teams/Pages/Useful-Documents.aspx) for more information including what evidence is required * When making a referral for a penalty notice (PN), colleagues should be aware that should the PN remain unpaid, by submitting the referral they are confirming that the Head is in support of the local authority proceeding to prosecution for irregular school attendance under section 444 of the Education Act 1996 * Prior to making a referral, schools must have issued each parent/carer under separate cover, with a formal letter ([Legal Action Warning Letter (LAWL)](https://eur02.safelinks.protection.outlook.com/?url=https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%2520Action%2520Warning%2520Letter%2520for%2520schools.docx&data=05%7c01%7c%7c405550b62122450222cb08dab028c22e%7ca8b4324f155c4215a0f17ed8cc9a992f%7c0%7c0%7c638015986338131066%7cUnknown%7cTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7c3000%7c%7c%7c&sdata=s4VLUZTWJfeI/W6sh9hYp/UIdk5KLs9rlDxOpp0YVZc%3D&reserved=0)) warning of the possible legal implications of irregular attendance and advising of the possibility of a referral to the local authority * Each LAWL should relate to one pupil only (i.e., each parent should receive one warning letter per child in the case where there are multiple siblings on roll) * The letters must be clearly addressed to each parent/carer, with their correct title (e.g., Mr, Mrs, Dr, etc.), full forename and surname * LAWL’s are valid for 18 calendar weeks from the issue date * The LAWL must be produced on the school's headed paper * The wording within the letter must not be changed, as it is specifically designed to enable the progression of cases into the legal arena, where appropriate * LAWL’s sent must include the factsheet * LAWL’s must be posted first class (not posted recorded/special as this can be refused) * LAWL’s should only be issued where there have been occurrences of unauthorised absence |

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| **Options for issuing LAWLs** |
| To issue a LAWL, school’s must have outlined that under the law:  *parents / carers are guilty of an offence if their child, who is of compulsory school age ‘fails to attend regularly’*…, which is *‘in accordance with the rules prescribed by the school’*, and that the school defines regular as children attending every session available to them. This information  must be in the school’s attendance policy, which must be on their website and widely available  The school may decide **not to** **issue** a LAWL following this meeting but must outline the law regarding parents / carers responsibility as detailed above, and that if attendance does not improve, they may issue a LAWL  Schools must make parents/carers are aware that if attendance fails to improve following the  issue of a LAWL, no further warnings will be given, and the school will make a referral to the local authority for legal action |