**Essex County Council Attendance Specialist Team (AST)**

**Quick Reference Guide to making referrals for legal intervention**

**September 2022**

**Referrals for legal intervention or prosecution**

If school-based interventions do not improve a child’s attendance, legal intervention in the form of penalty notice or prosecution can be sought (if appropriate). Below are key points to be aware of prior to making a referral.

Referrals for legal intervention must include evidence of **school** interventions and any referrals to external agencies for **support** that have been made on behalf of the pupil/family. This must be within the past six months. Should no such referrals have been made, an explanation as to why will be required.

**Examples of referral paperwork**

* + - Chronology ([Chronology Template](https://schools.essex.gov.uk/pupils/attendance_specialist_teams/Documents/Attendance%20Chronology%20Template%20Autumn%202020.docx))
    - Invite to meeting letters ([Invite to School Attendance Meeting Template](https://schools.essex.gov.uk/pupils/attendance_specialist_teams/Documents/2.%202nd%20Letter%20-%20invite%20to%20meeting%20-%20Accessible%20Sept%202022.docx))
    - Minutes of meetings held including Team Around the Family (TAF) meetings
    - Full pupil attendance record which includes the reasons for absence recorded
    - Communication logs – emails, telephone conversations, adhoc conversations, voicemails, schools’ system logs such as My Concern, Safeguard, Studybugs etc.
    - Letters following conversations e.g., a conversation about not authorising an absence
    - Failure to attend meeting letters
    - Legal Action Warning Letters (LAWLs), including at least one legal fact sheet (see template on ESI)
    - Notes from home visits / evidence where an attempt has been made to contact

**Referral paperwork**

This information could be presented in the Magistrates Court. It is therefore vital everything is correct.

* All paperwork must be within the **8 school weeks prior** to the referral being made
* Template forms and letters are available on [Essex Schools Infolink (ESI)](https://schools.essex.gov.uk/pupils/attendance_specialist_teams/Pages/Useful-Documents.aspx)
* Chronology of all attendance actions / conversations etc. must be provided at point of referral. This must be detailed and include dates and actions taken ([Template Chronology of Attendance Actions](https://schools.essex.gov.uk/pupils/attendance_specialist_teams/Documents/Attendance%20Chronology%20Template%20Autumn%202020.docx))
* Minutes / meeting notes must be included at point of referral (from September 2023)
* Copies of signed Legal Action Warning Letters (LAWLs) issued
* Up to date attendance register, ensuring there are no ‘N’ codes or missing marks and that all coding is correct. The register must also include the explanatory notes/reason for each absence
* Parents/carers **must** have been offered a meeting in writing:
  + This must be by written invite letter, a template letter can be found [here](https://schools.essex.gov.uk/pupils/attendance_specialist_teams/Pages/Useful-Documents.aspx)
  + It must state a **specific date and time** the meeting will take place
  + They must be provided with **at least 7 days’ notice**
  + Should they inform you they are unable to make this date and time, another mutually convenient time should be arranged, this should then be confirmed in writing
  + Failure to attend the agreed alternative date/time, a further date/time should not be offered (unless exceptional circumstances dictate), and the meeting should be held in their absence
  + Following the meeting, a copy of the notes should be sent to each parent/carer with a covering letter advising that attendance remains an ongoing concern and will be monitored

**Important**

* Addresses including postcodes and dates of birth must be correct on all correspondence
* Do not use initials for parents or pupils; full names, spelt correctly are required
* Use legal names for pupils and record any other names the child is known by
* Paperwork must be detailed, signed, and presented on headed paper
* Attendance related letters must be sent to both parents separately, even if they live at the same address
* Letters must be sent by first class royal mail as this is deemed good service by the courts (recorded/special delivery post can be refused by parents/carers)
* LAWLs should only be issued if pupil has unauthorised absence recorded
* LAWLs need to have been issued before referrals are made
* LAWLs are valid for 18 calendar weeks
* Codes on pupil attendance records must be accurate and correspond with the comment/s
* Pupil attendance records should not have any ‘N’ codes remaining
* ‘U’ codes are unauthorised absence and so can be used to meet referral criteria ([Essex Code of Conduct for issuing Penalty Notices](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)) provided their use is clearly documented in your schools attendance policy which must be widely available
* Prior to making a referral, have you liaised with your safeguarding officer and SENCO, are social care / family solutions involved, if so, are they in agreement?