

FAST-track to Attendance

An Early Help procedure for improving pupil attendance
(includes the process for taking legal action for ongoing unauthorised absence)

Step by Step Guide

September 2023

Education Legal Intervention Team (ELIT)

Birmingham City Council



Making a positive difference every day to people's lives



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Education Legal Intervention Team

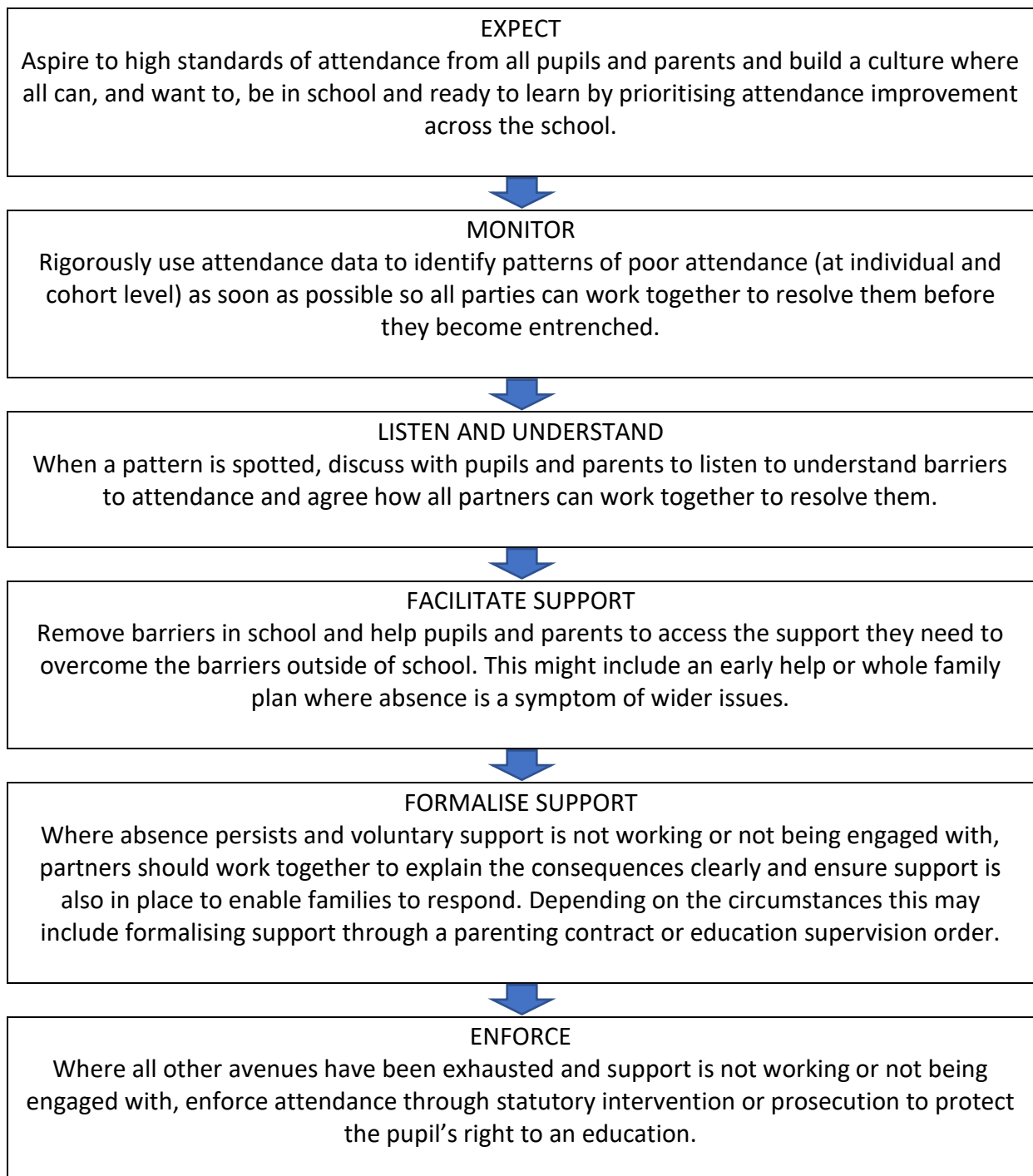
Step by Step Guide

‘FAST-track to Attendance’ – The four step ‘Early Help’ attendance procedure

Introduction

- *‘FAST-track to Attendance’* is the procedure that all schools, academies and alternative providers and independent schools in Birmingham should follow where there are concerns about unacceptable levels of individual pupil absence. It seeks to improve pupil attendance and act quickly where there is unauthorised absence.
- We know from the Department for Education guidance ‘Working together to improve school attendance’ September 2022, that good attendance is *‘essential for pupils to get the most out of their school experience, including their attainment, wellbeing, and wider life chances. The pupils with the highest attainment at the end of key stage 2 and key stage 4 have higher rates of attendance over the key stage compared to those with the lowest attainment. At KS2, pupils not meeting the expected standard in reading, writing and maths had an overall absence rate of 4.7%, compared to 3.5% among those meeting the expected standard. Moreover, the overall absence rate of pupils not meeting the expected standard was higher than among those meeting the higher standard (4.7% compared to 2.7%). At KS4, pupils not achieving grade 9 to 4 in English and maths had an overall absence rate of 8.8%, compared to 5.2% among those achieving grade 4¹. The overall absence rate of pupils not achieving grade 9 to 4 was over twice as high as those achieving grade 9 to 5 (8.8% compared to 3.7%).*
[Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/working-together-to-improve-school-attendance)
- For the most vulnerable pupils, regular attendance is also an important protective factor and the best opportunity for needs to be identified and support provided. Research has shown associations between regular absence from school and a number of extra-familial harms. This includes crime (90% of young offenders had been persistently absent) and serious violence (83% of knife possession offenders had been persistently absent in at least 1 of the 5 years of study).
- Where schools are concerned about a child/young person’s absence levels, whether absence is authorised or unauthorised, it is important that the school act to improve attendance levels at the earliest opportunity.

FAST-track to Attendance is designed to reflect the model of support outlined in 'Working together to improve school attendance'



Schools do not have to attend training to use this procedure, but training is recommended via the free webinars available to schools. Details of the training available can be obtained via the Birmingham School Noticeboard or from the Education Legal Intervention Team by emailing attendance@birmingham.gov.uk

IMPORTANT INFORMATION: This procedure is designed to be used for children of compulsory school age. For children who are not yet of compulsory school age in Reception, schools should use Step One only. For further information as to when education becomes compulsory for children in that year group, please see page 5.

Legal definitions

'Parent' - Education Act 1996

A 'parent' in relation to any child or young person, includes any person:-

- who is not a parent but who has parental responsibility for the child, or
- who has care of the child.

This also includes absent parents who must have regular contact and an ability to influence the child including his/her attendance. Parental partners should be included (whether or not they are married or the natural parent of the child) as they have 'care of' the child. If a pupil lives with a grandparent or older sibling as their main carer they can also be included.

Compulsory (statutory) school age

- If a child becomes 5 years old between 1st September and 31st December, they are of compulsory school age on 1st January.
- If a child becomes 5 years old between 1st January and 31st March, they are of compulsory school age on 1st April.
- If a child becomes 5 years old between 1st April and 31st August, they are of compulsory school age on 1st September.

A child ceases to be of compulsory school age on the last Friday in June in the academic year in which the child turns 16.

The 'Six Month Rule'

Schools are advised to ensure that any legal intervention relating to pupil attendance is not allowed to drift, and that referrals are timely. The Local Authority is limited by the 'six month rule' and Crown Prosecution rules, *'(1)... a magistrates' court shall not try an information or hear a complaint unless the information was laid, or the complaint made, within 6 months from the time when the offence was committed, or the matter of complaint arose.'* **General rule s.127 Magistrates' Court 1980**

Unauthorised absence

Unauthorised absence occurs when schools either disagree with the reasons given by the parent for an absence or no reason has been provided. Only unauthorised absences can be used for the purposes of legal intervention.

The Code for Crown Prosecutors (the 'evidential test')

Where school have referred to ELIT for consideration of a penalty notice/legal action, the local authority must check that the case complies with the Code for Crown Prosecutors in order for it to progress. The two main elements of the Code are the evidential stage (i) and the public interest stage (ii).

- (i) For the evidential stage, the local authority must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be. The evidence itself must be credible and reliable in court.
- (ii) For the public interest test, in every case where there is sufficient evidence to justify a prosecution or to offer an out-of-court disposal, the local authority must go on to consider whether a prosecution is required in the public interest. It has never been the rule that a prosecution will automatically take place once the evidential stage is met.

All cases must meet these tests to progress. Where the public interest test indicates that an out of court disposal should be offered, parents may be issued with penalty notices in order to discharge the offence. Where the penalty notice is not paid, parents may be prosecuted in court for the original evidence.

When should schools be concerned about a child's attendance?

Many schools use persistent absence (10% or more absence) as an indicator of concern, but percentages are often skewed by the time of year. 90% attendance by October half term is only 3 ½ days of absence which could be due to a one-off, minor illness or leave in term time. However, waiting until a child is a persistent absentee at other times of the year before taking action can be too late.

Schools are advised to take a whole school approach to attendance and ensure there are clear roles and responsibilities for all school staff, including school leaders; class teachers/form tutors/teaching staff; attendance officers, pastoral staff etc. Allocating responsibility for monitoring pupils and action planning within attendance bands across the school will help with the early identification of children with deteriorating attendance before they become persistent absentees, allowing for more targeted intervention to be focussed on the most vulnerable children.

An example of this kind of intervention, which has been used very successfully in schools nationally, looks like this (different schools use different levels of staff for the bands but the principle of allocating staff to be responsible for monitoring the attendance bands is the same):

Attendance percentage	Responsible staff member
98 – 100%	Class Teacher/Form Tutor
95 – 96%	Learning mentor
93 – 95%	Assistant Head of Year
90 – 92% (pre-persistent absence level)	Pastoral staff
Below 90% (persistent absence level)	Attendance Officer
Below 50% (severe absence level)	Attendance Officer/SENCo/DSL (multi agency response)

Once a concern has been identified, the individual child's attendance must be scrutinised for patterns of concern. A child with 90% attendance by the October half term will be much less of a concern if attendance has been previously good, and the cause was a one-off period of illness than a child with three separate instances of illness absence over the same period. You would want to monitor the first child to ensure attendance doesn't deteriorate further, but you will want to speak to the second child, contact the parents and

invite them into school for an informal meeting to see if early help support or a referral to a school nurse is needed.

For more information about whole school approaches to attendance, national best practice and interventions which have been found to reduce persistent absence and improve attendance please click on this link: [Improving school attendance: support for schools and local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/improving-school-attendance-support-for-schools-and-local-authorities)

Poor attendance can be an indicator of neglect or other safeguarding concerns. In all cases, please ensure that due regard is made to the thresholds outlined in Right Help, Right Time, Birmingham's threshold guidance for safeguarding. [Right Help, Right time](#)

Before you use FAST-track:

- ✓ Ensure your registers are being completed accurately.
- ✓ Inform all parents/carers of their legal responsibilities regarding school attendance by using the whole school 'School Attendance' letter - this will boost your attendance. The letter only needs to be sent once per academic year. It is good practice to have the letter included in your prospectus and induction packs, on your website and your school notice board.
- ✓ Ensure the children whose attendance you are concerned about are placed on the "Children with a Safeguarding vulnerability list" held by the Designated Safeguarding Lead (DSL)
- ✓ Ensure there is a staff member trained in 'Early Help' processes – this is generally the DSL.
- ✓ Appoint a member of staff in the school to complete the process from Step Two onwards. In most schools this person would usually be an Attendance Officer, Learning Mentor, Assistant Head teacher etc. For the purposes of this guidance the staff member will be known as the School Attendance Liaison Person (SALP).

The FAST-track online pack can be downloaded via this link:

[FAST-track to Attendance online pack](#) Click on Option 2 for 'Attendance Procedures'

Step One – Early Help

Action the school must take when attendance is of concern and before a referral to ELIT can be accepted

Concerning levels of absence either authorised or unauthorised – (once a year schools should send the ‘School Attendance’ whole school letter to parents/carers by pupil post, email, or by placing it on their website/in their prospectus).

IMPORTANT INFORMATION: *This is the early help stage of the procedure and the most important stage. It should be used for all pupils with concerning levels of absence. It does not mean that a formal early help assessment form must be completed at this stage. The staff member with operational responsibility for attendance (who we call the ‘School Attendance Liaison Person’ or SALP) should work together with the DSP/DSL in determining the correct Early Help response.*

For assistance with any early help cases, schools can contact their community locality lead and ‘team around the school’. For more details please click on the link: [Local Offer and Team around the school](#)

Alternatively, school colleagues can book an Early Help conversation with their local Early Help hub. To book an EH conversation please complete the relevant sections in the family connect form and the locality will be in touch with a time to meet to discuss the family or concern:

[Birmingham Children's Partnership Resources](#)

IMPORTANT INFORMATION: *Where there is evidence of ‘emotionally based school avoidance’ (sometimes incorrectly referred to as school refusal) please go to the relevant section on page 12 and consult [#you'vebeenmissed](#)*

In ‘Working together to improve school attendance’ May 2022, the Department for Education states: ‘Schools should treat all pupils and parents with dignity and staff should model respectful relationships to build a positive relationship between home and school that can be the foundation of good attendance. In communicating with parents, schools should discuss the link between attendance and attainment and wider wellbeing, and challenge parents’ views where they have misconceptions about what ‘good’ attendance looks like. Where a pupil or family needs support with attendance, it is important that the best placed person in the school works with and supports the family and wherever possible the person should be kept consistent.

Where a pattern of absence is at risk of becoming, or becomes, problematic schools should draw on these relationships and listen to and understand the barriers to attendance the pupil or family is experiencing. In doing so, schools should take into consideration the sensitivity of some of the reasons for absence and understand the importance of school as a place of safety and support rather than reaching immediately for punitive approaches.'

The guidance also states that where barriers are outside of the school's control, all partners should work together to support pupils and parents to access any support they may need voluntarily. As a minimum, this should include meeting with pupils and parents at risk of persistent or severe absence to understand barriers to being in school and agreeing actions or interventions to address them. This may include referrals to services and organisations that can provide support. These actions should be regularly discussed and reviewed together with pupils and families.

With that in mind, before the next step is considered the school will have applied all school and Early Help responses without significant attendance improvement. Schools will be asked for evidence of the support offered at the point of referral.

Support **must** include:

- Completing Section 6 of the Early Help Assessment form (Signs of Safety and Wellbeing) with the child/young person – *"I have not had any dinner, I sometimes have breakfast, sometimes lunch, but not during Saturdays and Sundays."* *"My mum sleeps all day, and no one takes me to school", "I take care of myself whilst mum is asleep."* These are the words of Hakeem, recorded by his school when he was 6. Hakeem died in 2017 age 7 as the result of an asthma attack and chronic neglect. The serious case review (BSCB 2017-18/03), published on 1st September 2022 states:

'Hakeem was a bright child who had been identified early on by school as being potentially gifted and talented. He became increasingly affected by his non-school attendance (NSA) and upset at getting behind in his studies, which resulted in some more difficult and challenging behaviour when he was in school. By 2016-2017 Hakeem's overall attendance was only 58% with authorised absences of 7.5% and unauthorised 34.4%.

[Serious case review report - Hakeem](#)

Capturing the voice of the child is critical and must be actioned at the beginning of any intervention to ensure that the child/young person is heard. Section 6 of the Early Help Assessment form (Signs of Safety and Wellbeing) should be used and completed by someone trained in Early Help. School must ensure they act on any concerns raised under 'Right Help, Right Time' and ensure the outcome informs any

interventions to improve school attendance. It must also be revisited if the referral to ELIT is made more than 6 months after the conversation with the child/young person took place.

IMPORTANT INFORMATION: If the child/young person hasn't attended for several weeks and you cannot complete this stage please indicate on the referral form. However, if the child/young person is attending sporadically all attempts must be made to complete this at the earliest opportunity.

- Inviting the parents/carers into school for an informal supportive meeting. During the meeting, schools can use Section 7 of the Early Help Assessment form as a format to discuss barriers to attendance. If the parents/carers do not attend the meeting or do not respond to phone calls/letters schools ***must*** undertake a home visit to try to engage the parent. Where parents have not responded to phone calls, informal meeting invitations and home visits and where there is no allocated early help worker/family support worker/social worker, schools should request an Early Help conversation with the schools' local Early Help hub. (To book an early help conversation, please complete the relevant sections in the family connect form and the locality will be in touch with a time to meet to discuss the family or concern. If you do not have consent from the parents to complete the form, you can complete an anonymised version and use 01/01/2000 for the date of birth. You can also request a conversation with your Early Help Co-ordinator: [Birmingham Children's Partnership Resources](#))

(Where parents actively refuse Early Help remember to capture the voice of the child if they are still attending school. Make sure the school acts on any issues raised but if there is then unauthorised absence move to Step Two).

- Where the child has an EHCP, ensuring the plan has been reviewed because of the attendance concerns within a six-month period prior to starting FAST-track to ensure that the provision is suitable to meet their needs (unless the initial EHCP has been issued within the last year)
- Placing the child/young person on the '**Children with a safeguarding vulnerability**' list
- Using the information from Sections 6 and 7 of the Early Help Assessment form to initiate one of the Early Help outcomes (please see # on page 12)
- Advising parents/carers that they can apply for travel assistance if the home to school distance is more than 2 miles for children up to 8 years, 3 miles for children

aged 8 and over (though they are unlikely to receive assistance if they chose the school despite nearer school places)

- Follow the 'Frequent Illness Absence Protocol' where there is frequent illness absence from school (see page 13)

IMPORTANT INFORMATION: Where there is already an allocated social worker/family support worker/early help worker, there is no need to complete Section 7 of the Early Help Assessment but it is important that an informal meeting with the parents/carers is held to discuss any obstacles to improving attendance. The social worker/family support worker should be invited to any meeting but if they can't attend, don't let this stop your meeting from taking place.

Early Help Outcomes

Where there is no allocated social worker or family support worker, once Sections 6 and 7 have been completed, upload these onto the school's safeguarding recording system (for example, 'cpoms', 'MyConcern' etc.) and ask the DSL to review if the DSL was not involved at this stage. In terms of Early Help, there should be one of the following outcomes:

1. initiate simple reasonable adjustments to address the child/young person's unmet safeguarding needs
2. develop a school focused action plan with child/young person, parent/carers as appropriate
3. initiate a multiagency Early Help Assessment (EHA) & Our Family Plan (OFP)

If the conversation with the child or parent/carers indicates a serious safeguarding concern under 'Right Help, Right Time', schools must follow their child protection procedures.

IMPORTANT INFORMATION. If the family do require Early Help either from the school or via support services such as Think Family or Social Care and consent to support, you need to give that support at least six weeks from the start of the intervention to make a difference. After six weeks of family intervention, if it has not resulted in attendance improvement; and there is unauthorised absence, you can move straight to Step Two after informing the allocated worker of the intention. If you are not sure, or the allocated BCT officer disagrees, please contact the ELIT/Court team for advice (464 8979 or Attendance@birmingham.gov.uk).

Illness Absence – The Frequent Illness Absence Protocol

Birmingham City Council has been working with school nurses and the Birmingham and Solihull Integrated Care Board (ICB) to review how illness absence is supported in school, particularly when there is no known underlying medical condition. Part one of the protocol involving school nurses is detailed below. Work is continuing on the second part of the protocol, which involves engagement with family GPs and will be published as soon as the ICB has concluded its work.

School absence due to minor childhood illness is common and to be expected. In ‘Working together to improve school attendance’, September 2023, the Department for Education states: *‘In the majority of cases a parent’s notification that their child is ill can be accepted without question or concern. Schools are advised not to request medical evidence unnecessarily as it places additional pressure on health professionals, their staff and their appointments system particularly if the illness is one that does not require treatment by a health professional’.*

In a minority of cases schools may become concerned at the level of illness absence claimed for some children, whether it’s the same type of illness being reported as causing frequent absence or lots of different illnesses.

Where a child (with no known underlying medical condition) has three or more instances of illness absences in a half term/five in a term, schools should no longer ask parents for medical evidence in the first instance. Instead, they should meet with the parents informally and offer an early help assessment or notify the allocated social worker/family support worker/early help worker of their concerns.

During the meeting, the child’s illness absences should be explored using Section 7 of the Early Help Assessment form with the parent/carer and an early help assessment offered. If there is allocated social worker/family support/early help worker, the child’s attendance should be covered in the child protection or family plan.

If after 6 weeks of early help being in place; and if the child continues to have illness absence from school; and if the child’s attendance is now 85% or below, consent should be sought for a referral to the school nurse. **If consent is granted please allow the school nurse to complete their intervention before moving onto Step Two if attendance hasn’t improved.**

If the parents refuse consent or choose not to engage with you, meet with you or discuss their children’s illness absence you must send the medical absence letter (on the link below), and give them a few days to respond. If you decide not to send this letter, consider

how the school has informed the parent of the requirement to provide medical evidence as this may need to be evidenced in court: [Medical evidence and no authorisation letter](#)

Schools should also consider the wider context of the child's illness absence in relation to safeguarding. Please ensure that any action taken references the threshold document 'Right Help, Right Time'.

[Right Help, Right Time](#)

'Medical neglect, missed appointments and the correlation between non-school attendance and his mother's drug use and the fact that Hakeem himself was telling school how unhappy and scared he was, should in the author's view have triggered an earlier and more robust response.' Serious case review - (BSCB 2017-18/03) - Hakeem

Children with known health conditions

In relation to children with known health concerns whose attendance has been impacted by illness, the advice is as follows:

1. Children with known significant and serious health conditions with 15 or more days continuous or cumulative illness absence

Where children have significant and serious health conditions which prevent their regular attendance in school, section 19 of the 1996 Education Act is clear in terms of their entitlement to a full-time education.

Provision is already in place to ensure that if a child is genuinely too ill to attend school regularly and has 15 days or more cumulative or continuous absence they do not lose out on their education. Schools must have due regard for *'Supporting pupils at school with medical conditions - Statutory guidance for governing bodies of maintained schools and proprietors of academies in England'*; [Supporting pupils with medical conditions at school - GOV.UK \(www.gov.uk\)](#)

Once in receipt of the appropriate medical evidence, schools should refer children to James Brindley Academy. For more information about the evidence required and how to refer to the Academy please use this link: [James Brindley - Referrals](#)

2. Children with a known underlying medical condition with irregular attendance

Where children have a known underlying medical condition impacting their attendance to a lesser degree, schools should seek consent from the parent to refer to the school nurse for a health care plan to be instigated which should be regularly reviewed.

3. Children with mental health conditions

Children may be absent from school because of mental illness. As with other illnesses, parents would be expected to take their child to the GP. GPs have been asked not to write notes for children with potential mental health conditions but should refer them to Forward Thinking Birmingham (FTB), where referrals would be assessed for an early help response by the STICK team as necessary. Schools can also request a consultation with the STICK team as outlined in #you'vebeenmissed. As it may take several months for a child to be seen, parents and children can access support from PAUSE, FTB's drop-in centre or can access direct online support via Kooth. Where there is medical evidence that a child is too unwell to attend school due to a mental health condition for at least 15 school days or more, schools can follow pathway 1 and refer to James Brindley Academy.

Children with SEND needs attending special schools

The Special School Nursing Service undertakes a range of activities to improve and maintain the health of children and young people – often with complex health needs – to attend school, enabling each child or young person to achieve their potential. Each special school has a dedicated team of registered nurses and support staff responsible for the health and wellbeing of children during the school day. Some special schools will have a dedicated team based within the school five days per week term time.

The special school nursing team will also provide advice, support and signposting to other services for a wide range of disabilities and healthcare needs. They also work closely with social workers from the disabled children's social care team to support access to respite care and community resources for sport, play and leisure. Where there may be concerns around the safety and wellbeing of a child, for whatever reason, special school nurses will work in collaboration with the BCHC safeguarding team and relevant social care team to support children and their families in overcoming difficulties.

Frequent illness absence (no known medical condition)

Child (with no known underlying medical condition) has three or more instances of illness absences in a half term/five in a term

School holds informal meeting with parents to explore reasons for absence. Any allocated social worker/family support worker/early help worker must also be invited. Early help offered as appropriate. Informal action plan or family plan agreed. Attendance monitored for 6 weeks. (If no parental engagement, send 'medical absence letter as below')

No improvement in attendance after 6 weeks of early help and child now has 85% attendance or less. Consent for referral to school nurse sought and child referred.

Consent for school nurse referral refused.

Attendance improves or unknown medical condition discovered needing healthcare plan. FAST-track no longer appropriate.

Assessment by school nurse/GP. Guidance on health issues provided and health care plan instigated if necessary. Feed back to school within 6 weeks of referral.

If no known medical reason for absence, school to send medical absence letter to parents and monitor. Illness absence no longer authorised. If parents wish to contact their GP at this point, absences to remain unauthorised until medical evidence is provided.

Medical evidence not provided. Unauthorised absence – school to move to step two of 'FAST-track to Attendance'

Emotionally Based School Avoidance (school 'refusal')

Where parents are engaging with the school, but the child appears reluctant to attend, FAST-track to Attendance from Step two is not the appropriate process to use. The threat of legal action can cause further distress and anxiety for both parent and child. It should only be used in this scenario where the parent fails to engage appropriately with efforts to improve the child's attendance.

To prevent the child being completely out of education, the school should use the resources provided as part of *#you'vebeenmissed* and must ensure that a consultation with the STICK team is sought if indicated.

[#you'vebeenmissed](#)

The *#youvebeenmissed* campaign is led by Forward Thinking Birmingham, Birmingham City Council and Birmingham Education Partnership supporting pupils, parents, carers and professionals to aid our children and young people manage their mental wellbeing in school.

As part of the project, clear guidance for schools and primary care professionals have been developed to support children and young people to remain in school. A range of resources, videos and webinars have also been created for children, young people, parents/carers and professionals to support the mental wellbeing of children and young people in Birmingham. You can find themed resources and videos to support children and young people return to school on the following:

- Anxiety and worry
- Challenging thoughts
- Emotions
- Self-care

For young people aged 11 to 25 there are also forums, guidance and counselling available free of charge from Kooth: [Home - Kooth](#)

Parents can also find help and support with their child's mental health and other issues affecting the family through 'From Birmingham With Love': [From Birmingham With Love](#)

Children with Education, Health and Care Plans (EHCPs)/SEND needs

Parents, and sometimes schools, may have concerns about the suitability of the educational provision being offered to a child as to whether it meets their needs. This can affect their attendance in school. This can occur in the following circumstances:

- a child who already has an EHCP but the parents are concerned that the plan no longer meets the needs of the child
- a child who already has an EHCP is attending a school that education professionals have agreed no longer meets the child's needs,
- a child who doesn't have an EHCP and is being assessed,
- a child who has been assessed but the request for an EHCP has been denied.

If the school has concerns that their provision cannot meet the child's needs, full time education must continue to be offered. Part-time timetables can only be offered to integrate or reintegrate children back into full time provision and should be limited to a maximum of six weeks.

On occasion parents will refuse to send children into school stating that the provision doesn't meet their child's needs - but that is not a defense in law. The law related to parents' legal responsibilities to ensure children attend school regularly still applies. Unless there is medical evidence that the child is too unwell to attend school, or there is agreement between the educational professionals that the child shouldn't attend as it would be contrary to the wellbeing of the child, children must continue to attend school until they start a new school placement, or the parents elect to educate 'otherwise' (in the case of children with EHCPs attending special schools, SENAR must agree that the provision offered by a parent who has written to the school stating they are home educating is suitable before the child can be removed from roll).

FAST-track to Attendance is the procedure that should be used in all cases of absence, including those in the circumstances described above.

Children in temporary accommodation

Where families become homeless and are placed in hotels/hostels which are more than statutory walking distance from the school (beyond 2 miles if the child is below the age of 8, or beyond 3 miles if aged between 8 and 16), children can be unable to attend school. The family could be moved to other hotels/hostels regularly meaning that admission to closer schools can be impossible. In these circumstances, schools are advised to:

- keep the child on roll even if the hotel/hostel the family have been placed in temporarily is in another local authority;

- offer an early help assessment or notify the social worker/family support worker/early help worker if allocated;
- if the school is in receipt of pupil premium for the child, assess whether it can be used to support short term transport costs to enable the child to attend school;
- code the children as C on the register;
- provide online learning or work packs if possible;
- remain in contact with the parents and housing as appropriate and ensure the school's safeguarding responsibilities are still met.

If the accommodation is within statutory walking distance, the child should be expected to attend but may need considerable support which should be considered as above.

Part-time/reduced timetables

It is important to highlight that there is no statutory basis upon which to establish a reduced timetable. Ofsted have made it clear that this has to be in the interests of the child and not the school. All children of compulsory school age are entitled to full time education. This means that part-time/reduced timetables are essentially unlawful. They are permissible for short term (no more than six weeks) arrangements:

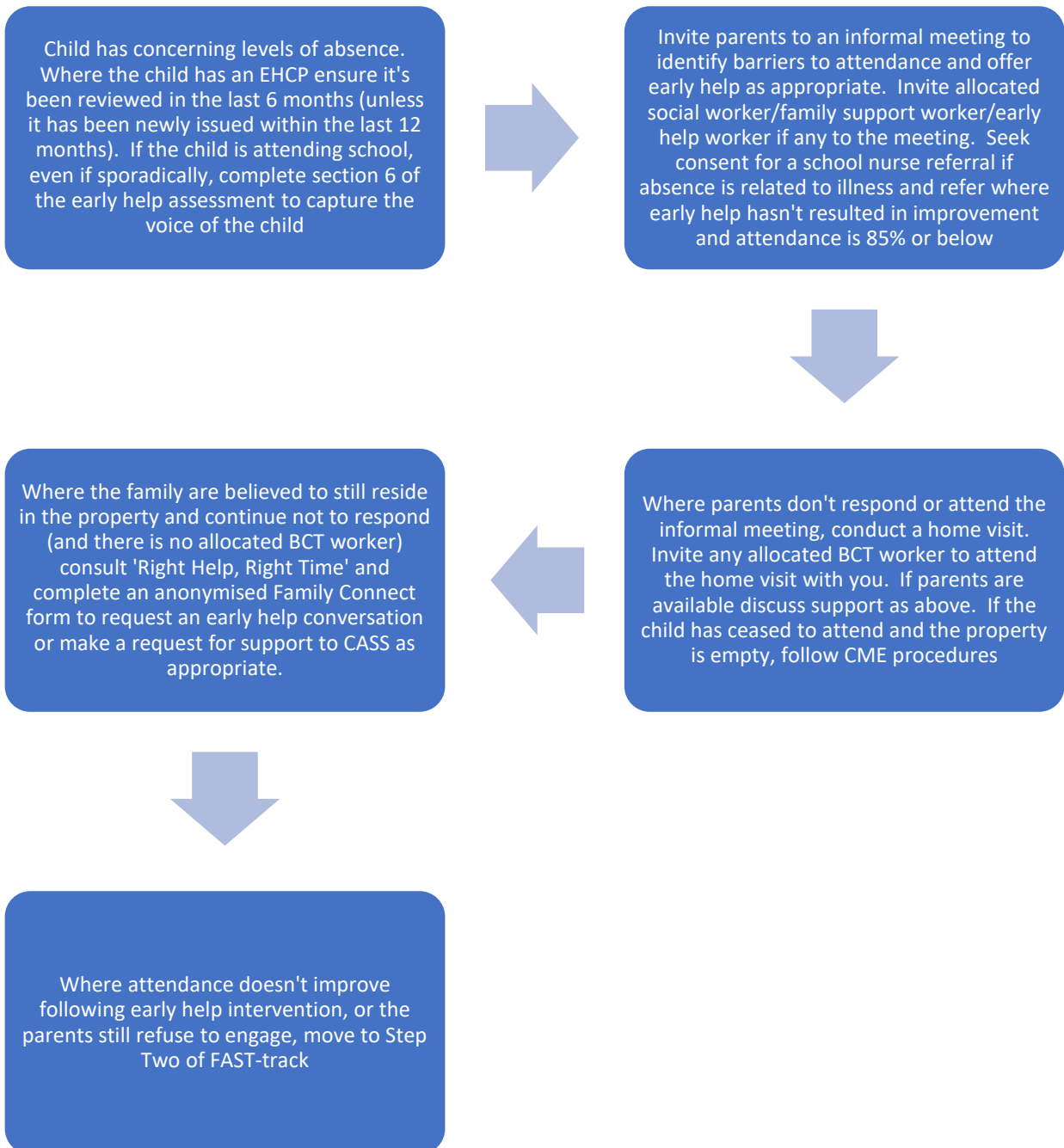
- For medical reasons – if a pupil has a serious medical condition, where recovery is the priority outcome. These arrangements would be part of a “healthcare plan” agreed between the school and health professionals. Please see the DfE statutory guidance “Ensuring a good education for children who cannot attend school because of health needs” 2013, before offering a reduced timetable for this reason.
- Reintegration - as part of a short term, planned reintegration programme into school following for example, an extended period out of school, non-attendance, emotionally based school avoidance etc.

In situations where a part-time/reduced timetable is being used for an extended period or as a strategy to manage behaviour, or prevent an exclusion, FAST-track from Step Two may not be appropriate. Please contact ELIT for advice in these circumstances:

attendance@birmingham.gov.uk

Schools must also notify ELIT of any part-time/reduced timetable arrangements including updates and half termly nil returns. Guidance and an online form can be found at: [Part-time/reduced timetable notification form](#)

Step One - School Absence Escalation Procedures - flowchart



Step Two – The School Attendance Review Meeting

The pupil has at least one session of unauthorised absence - Early Help has been refused (this includes 'no response' to attempts by the school to engage the family); Early Help/Social Care strategies have not resulted in sustained attendance improvement – *Do not move to this step if you have not offered Early Help to the family and have not attempted to capture the voice of the child as a first step. Please re-visit Step One as the referral will not be accepted.*

IMPORTANT INFORMATION: If it has been at least six months since Section 6 of the Early Help Assessment (signs of safety and wellbeing) was completed or the early help was offered to the parents via an informal meeting, you will need to revisit these before arranging a SARM.

- The School Attendance Liaison Person (SALP) should call a formal 'School Attendance Review Meeting' (SARM) at the school. If concerns are expressed either by the school or parents about meeting in person, you can conduct the meeting online or by phone if needed. There is a helpful SARM invitation letter in the online pack you can use or the school can use their own letter if they wish - though previous convictions or penalty notices MUST NOT be mentioned or the letter cannot be used in evidence. The letter shouldn't make reference to the meeting being informal as the SARM is a serious/formal meeting designed to add gravitas to the situation). [Invitation to SARM letter](#)
- The SALP involved should be the member of staff to conduct the meeting, agree a Parent/School Contract and send the 'Formal Warning Notice' (Step Four) if needed.
- Preferably, the parents/carers should be invited to the meeting by the SALP separately, in writing, and with at least 7 days' notice, using the same process as indicated in Step Four for the Formal Warning Notice, with the letters signed then copied, then the copies retained as evidence. Include the names of all the children in the family attending your school on each letter (no need to send separate letters for each child) but only those who meet the absence threshold (**make sure the children included are of compulsory school age**).
- If the parents/carers live apart from each other and there are concerns about domestic abuse or animosity between them, invite them to separate meetings.
- If the parents/carers are unable to attend a meeting at the school, due, for example, to disability, the meeting can be held at the parents' home address.

- Complete the templated SARM form with the parents/carers. This is the only form which can be used [FAST-track School attendance review form](#)
- Complete the parents/carers' details on the form with them, in case any of the details you have in school are incorrect or out of date. Follow the form through and give them a photocopy of the completed SARM form including the Parent/School Contract agreed at the end or as soon as possible after the meeting.
- If the parents/carers do not attend but request a new date, please rearrange the meeting. However, don't rearrange more than twice. If they still don't attend, complete the sheet at the end of the SARM form and keep for future reference.
- If the parents/carers do not attend, and do not contact you to say they cannot attend, you do not have to rearrange or complete the whole form – just complete the sheet at the end of the SARM form and keep for evidence.
- The SARM includes an offer of an Early Help Assessment. If the offer is accepted, please stop the process at this stage, and arrange for the assessment to be completed. If the parents/carers then refuse to attend the assessment continue with FAST-track. If they work with the school to complete the assessment give the family plan at least 6 weeks to enable the family to make the relevant changes and for attendance to significantly improve. **Do not move onto Step Three of FAST-track until the assessment is completed and parents have had the chance to improve their child's attendance as a result of the intervention.**

IMPORTANT INFORMATION: You will need to demonstrate that you have given reasonable notice for the SARM, preferably at least 7 days' written notice. If the school uses its own invitation letter it MUST NOT refer to any previous convictions or penalty notices the parents may have received for similar offences. The letter may be used in evidence.

IMPORTANT INFORMATION: The school should now monitor the child's attendance. Move to Step Three as soon as there is further unauthorised absence after the SARM. Do not wait for 10 weeks! Send the formal warning notice as soon as there is further unauthorised absence. However, DO NOT move to Step Three unless there has been at least one session of unauthorised absence within the maximum 10 school week period. If, after the monitoring period, the pupil has further unauthorised absence, the parents should be invited back into school for an informal meeting under Step One unless the absence is due to at least 5 days of unauthorised leave in term time. In that instance, please use the Leave in Term Time (legal) process.

Step Three – The Formal Warning Notice

The pupil has further unauthorised absence after the SARM within a maximum 10 school week period. Do not wait for 10 weeks! Send the formal warning notice as soon as there is further unauthorised absence or any referral may not be accepted. Do not move to this step if you have not offered Early Help to the family and have not attempted to capture the voice of the child as a first step. Please re-visit Step One as the referral will not be accepted.

The school should send out a **‘Formal Warning Notice** as soon as soon as there is further unauthorised absence after the SARM.

The school **must** use this letter [FAST-track formal warning notice | Birmingham City Council](#) and the wording must not be changed under any circumstances. There should be a separate letter sent to each parent/carer in a separate envelope.

- Address letters using parents’/carers’ full names only, not to the ‘parent/carer of’ or Mr and Mrs. The names of all the children of **compulsory school age** in the family attending your school (whose level of attendance hits the threshold) and included during the process can go on each letter (i.e., do not send separate letters re. each individual child). The letter must be signed by the SALP – you can **use electronic signatures but letters must not be signed by others on behalf of the SALP (p.p.)**.
- Enclose an up-to-date attendance printout and a copy of the ‘School Attendance (Legal Action) - Information for Parents’ leaflet.
- The SALP should copy the signed letters and any enclosures such as the attendance printout before placing in the envelope and retain the copies - this will be their evidence.
- A record of the date the letters were posted, and the precise details of names and address the letters were posted to should also be kept.
- Letters must be sent by first class post. **DO NOT SEND LETTERS VIA RECORDED DELIVERY** – parents/carers can refuse to accept them!

IMPORTANT INFORMATION: The school should now monitor the child’s attendance. DO NOT move to Step Four unless, following the Formal Warning Notice, there are at least further 10 sessions of unauthorised absence (see criteria for Step Four for details).

Step Four – Refer to ELIT

The pupil has a minimum of 10 further sessions of unauthorised absence (not including N codes) since the Formal Warning Notice was issued (in terms of being 'reasonable' include at least two days for postage). This could be after a 12 day period but no longer than 10 school weeks. Please note: referrals will not be accepted if this criteria has not been met. Referrals where the cases were concluded but not submitted to ELIT in a timely manner may also not be accepted.

Do not move to this step if you have not offered Early Help to the family and have not attempted to capture the voice of the child as a first step. Please re-visit Step One as the referral will not be accepted.

Schools should complete an ELIT FAST-track referral form online via the link:

[Leave in term time/FAST-track referral form](#)

The referral form asks for information as to:

- The date the informal meeting was offered and the outcome of that meeting.
- The date page 6 of the early help assessment form (signs of safety and well-being) was completed with the child. Please ensure that you provide the date that it took place. If the page has not been completed, please ensure that an explanation is given as to why.
- Early Help interventions the school have tried and key dates such as when interventions were offered and took place.
- Referrals/requests for support to other agencies made and if accepted or not.
- Any bullying allegations, however old and whether they were upheld or not.

IMPORTANT INFORMATION: Please DO NOT attach the Early Help Assessment (if applicable) or Sections 6 and 7 of the EHA to the referral. They are not required and under GDPR should not be shared without consent.

IMPORTANT INFORMATION: If it is clear that the school have not offered Early Help, the FAST-track referral will not be accepted.

IMPORTANT INFORMATION: The FAST-track referral form must be completed accurately, and all questions must be answered fully and in detail or it may not be accepted

Attached to the referral should be a single PDF document containing:

- ✓ SARM form with the Parent/School Contract attached **OR** the last page of the form if the parents didn't attend
- ✓ SARM invitation letter
- ✓ a copy of the Formal Warning Notice which would have been sent to the parents and included a copy of the child's attendance printout, and the 'School Attendance (Legal Action) - Information for Parents' leaflet
- ✓ copies of attendance printouts for the current and previous academic years (with session comments if your system allows)
- ✓ copies of communication logs with parents covering the current academic year if available
- ✓ any relevant medical evidence provided by the parent to the school
- ✓ explanations for when registration codes B, C, D & E were used from the start of process (this information can be inputted directly onto the online referral form)

ELIT/Court Section will consider court proceedings under Section 444 of the 1996 Education Act. In most cases, for a first or second offence, ELIT will consider issuing a penalty notice to the parents as a way of discharging the offence. In cases where two penalty notice have already been issued to the parent for separate offences, Court proceedings will be initiated via the 'Single Justice' procedure.

IMPORTANT INFORMATION: If there has been no further unauthorised absence within the 10-school week monitoring period, the process has been successful. If the pupil has further unauthorised absence after the 10-school week period, the parents should be invited back into school for an informal meeting and the school should follow the procedure again from there as necessary.

Parents with previous penalty notices/convictions in relation to pupil attendance

Once the ELIT has closed the period of evidence for a prior case, any further unauthorised absence could constitute a new case. This means that the process can be started again. However, schools are reminded that if it has been six months or more since Early Help was explored, this step will need to be revisited before an invitation to a SARM is sent. As Early Help is included in the SARM document, if the parents/carers attended the SARM previously there is no need to repeat Step One except to ensure the voice of the child is heard again.

If you are working with a family in this scenario, please contact the Education Legal Intervention Team/Court Section for advice via:

Email: attendance@birmingham.gov.uk

Phone: 0121 464 8979

'FAST-Track to Attendance' Quick Guide

(Please refer to the full guidance)

Concerning levels of pupil absence either authorised or unauthorised

Step One – Early help including completion of Section 6 of the Early Help Assessment form with the child and Section 7 with the parents/carers in an informal meeting (if there is consent and engagement). (If a social worker/family support/early help worker is already involved there is no need to offer Early Help to parents/carers but Section 6 is still required)

At least one session of unauthorised absence

Step Two – Invite parents/carers to a school attendance review meeting (SARM) and hold the SARM. Complete a parent/school contract if the parents attend. **Do not move to this step unless Step One has been completed, including capturing the voice of the child and offering early help.**

The pupil has one further session of unauthorised absence after the SARM within a maximum 10 school week period.

Step Three – Send 'Formal Warning Notice' to each parent/carer individually with an up-to-date attendance printout and the 'School Attendance (Legal Action) - Information for Parents/Carers' leaflet. This will be your evidence. Do not move to this step if there has been no further unauthorised absence within 10 weeks of the SARM being held.

The pupil has a minimum of 10 further sessions of unauthorised absence since the Formal Warning Notice was issued (in terms of being 'reasonable' include a couple of days for postage). This could be within a 12-day period but no longer than 10 school weeks.

Step Four – Refer to ELIT
(do not delay - refer as soon as just after they reach 10 further sessions - allowing the two days for postage of the formal warning notice - but not before or on the day of the 10th session)

FAST-track referral – checklist!

To refer to ELIT, the school will have...

Actions	Completed? (Please tick)	N/A (Please tick)
Completed section 6 of the early help assessment with the child at the start of the intervention (no earlier than 6 months before the SARM)?		
Offered early help during an informal meeting with parents or, conducted a home visit if there was no response to phone calls and letters inviting parents to attend (no earlier than 6 months before the SARM)?		
Included both parents/carers if applicable?		
Used <i>#you'vebeenmissed</i> for children absent due to emotionally based school avoidance and consulted the STICK team? (Please note that FAST-track from Step Two is not appropriate in instances where parents are working with you to address the EBSA, even if that work is not successful).		
Sought consent for a referral to the school nurse where early help has not been successful and there is frequent illness absence, and referred?		
Ensured there is there at least one unauthorised absence after step one is concluded before the SARM?		
Given 7 days written notice for the SARM?		
Fully completed the SARM and asked the parents to sign the Parent/School Contract or, completed the last page completed if not attended?		
Ensured there is at least one further unauthorised absence accrued after SARM (within a 10-school week period) before sending the formal warning notice?		

<p>Sent the formal warning notice to each parent separately to the correct address, and includes the legal information leaflet?</p>		
<p>Ensured there are 10 sessions of unauthorised absence within a 10-school week period (or no sooner than 7 days) after the formal warning notice was sent?</p>		
<p>Scanned all of the evidence onto one PDF to include:</p> <ul style="list-style-type: none"> ▪ a copy of the SARM form with the Parent/School Contract attached OR the back page of the form if the parents didn't attend ▪ a copy of the SARM invitation letter ▪ a copy of the Formal Warning Notice which would have been sent to the parents and included a copy of the child's attendance printout, and the 'School Attendance (Legal Action) - Information for Parents' leaflet ▪ copies of attendance printouts for the current and previous academic years (with session comments if your system allows) ▪ copies of communication logs with parents covering the current academic year if available ▪ any relevant medical evidence provided by the parent to the school 		