

# Legal Intervention Support

Guidance for new Attendance Administrative Staff  
September 2024

Fliss Falconer – Lead Officer for Legal Intervention in Education (Attendance)



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Integrity



Empower



Respect



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# Education Inclusion Service Current Team Structure

## Service Lead – Lisa Meggs

<u>Chelt / Tewks</u> Lead - Vikki Burt Exclusions and CIEE	<u>Stroud / Cotswolds</u> Lead - Andrea Jordan Attendance	<u>Glos / Forest</u> Lead - Cilla James Elective Home Education	<u>APS</u> Lead - Sian Edwards
<b>Outcome Coordinators</b> Brian McGuire Paul Waite Darren Peters  <b>Inclusion Officers</b> Laura Nutland Tracey Knight Cath Jones Darren Peters	<b>Outcome Coordinators</b> Steve Witt Claire Bailey  <b>Inclusion Officers</b> Helen Kay Lauren Deponeo Susan Janneh Dave Walton	<b>Outcome Coordinators</b> Gill Rennie Thalia Guerra Anita King  <b>Inclusion Officers</b> Brian Gazzard Stacey Baylis Amy Read Sarah Bunce Abbie Hawker (from Sept 24)	<b>Outcome Coordinators</b> Bev Wall Alice Hibberd  <b>Fair Access Outcome Coordinator</b> Toby McGregor
<b>Lead Officer for Legal Intervention in Education (Attendance)</b> Fliss Falconer			

# Roles and responsibilities

## Inclusion Officer

Each school has an Inclusion Officer who...

- Are the first port of call for the Education Inclusion Service
- Offer advice and guidance on our 4 statutory areas to school's parents and other agencies
- May have an EHE case load
- Have areas of oversight and specialisms
- Signpost schools, families and other agencies

## Outcome Coordinators

Each dual locality has 2 OCs who...

- Case hold children
- Ensure that children can access an education
- Take a child centered approach
- Support schools and families to meet individual needs
- Work with families, schools and other partner agencies
- Signpost schools, families and other agencies

# Attendance Network Meetings

## Primary Schools

Attendance Champions  
21 or 23 October, 09.00-12.30  
The Pavilion, Cheltenham

Attendance Officers  
11 November, 09.00-12.00  
Teams

## Secondary and Special Schools

Attendance Champions and  
Attendance Officers  
04 November, 12.30-16.00  
The Pavilion, Cheltenham

Visit our [Schoolsnet page](#) to see our  
previous presentations

# We are a Support First Team

## Steps to take before initiating legal proceedings

### Support for the child

#### Anxiety

- ☐ Has the child suggested that they have feelings of anxiety?
- ☐ Have steps been taken to alleviate these feelings?
- ☐ Is there evidence of child-on-child abuse or bullying?
- ☐ Are home life or parenting styles causing concern for the child?
- ☐ Has a part-time timetable been considered to support return to full-time learning?
- ☐ Have the parents applied to their GP, TIC+ or CAHMS for a referral?

#### SEN

- ☐ Has specialist advice been sought?
- ☐ Has the feedback been implemented?

#### Patterns

- ☐ Have patterns in attendance been identified and addressed?

#### Section 19

- ☐ Has a referral been considered?

### Support for the parents

#### Communication

- ☐ Are communication lines with the parents open?
- ☐ Are both parents contacted with information from school?
- ☐ Is communication delivered in an alternative language or format?
- ☐ Are parents aware that legal proceedings are being considered and what that means for them?
- ☐ How often does the school send out leaflets about attendance? (Available on Schoolsnet)

#### Meetings

- ☐ Have meetings with the parents been arranged, either on- or off-site as necessary?
- ☐ Have AIM (Attendance Improvement Meetings) been arranged and held?
- ☐ Has the attendance of parents and outcome been recorded?

#### Improvement

- ☐ Has a Parenting Contract been considered?

### Support for the family

#### Collaboration

- ☐ Are the parents in need of support for the whole family?
- ☐ Has transport assistance been investigated?
- ☐ Have schools where siblings attend been contacted and consolidated plans been arranged?
- ☐ Have parenting courses and family support been considered?
- ☐ Has Early Help been considered?



Has the graduated pathway been followed to identify barriers to regular attendance?

### Support for the school

#### Intervention

- ☐ Have all absences been recorded as unauthorised?
- ☐ Has evidence been collated for absences from the initial period of unauthorised absences?
- ☐ Has all communication with parents been recorded with names, dates and details of information?
- ☐ Has the Inclusion Officer been made aware of the attendance issues?

#### Policies

- ☐ Has the Attendance Policy been available to all parents?
- ☐ Does it have a clear definition of what the school regards as 'regular attendance'? For example: We regard regular attendance for all children to be in school, on time. This is for every session of every day that the school is open to them.
- ☐ Has it clear information regarding the school's expectation of good attendance and consequences of poor attendance?
- ☐ Has it guidance on how to approach the school regarding attendance concerns?
- ☐ Has it been updated in the last 12 months?



# 2024 School Attendance Reforms



**Revised, statutory version of *Working together to improve school attendance guidance*:** Ensuring clearer roles for schools and local authorities & reflecting changes detailed below.

New guidance effective from  
19 August 2024



**Regulations to mandate attendance data-sharing by all state-funded schools:** Giving schools, LAs and DfE access to near-live high-quality data, allowing better, more targeted support to be put in place as early as possible.

90% of schools already  
signed-up to share data



**Regulations to modernise school attendance and admission registers:** Designed with schools & LAs, to improve consistency & accuracy of recording. Registers to be kept electronically. Schools must inform LA when pupil has/will miss 15 days due to illness.

New code will track use of  
part-time timetables



**New National Framework for Penalty Notices:** Single national threshold will improve consistency and embed 'support first' approach by ensuring penalty notices are only considered where support is not engaged with, not working or not appropriate.

Fine considered w/ 5 days  
unauthorised absence



**New National Attendance Ambassador:** Key roles include acting as sector-facing lead for attendance hubs; disseminating effective practice to schools and trusts; and working with DfE's regional teams to support strong attendance

Rob Tarn, founder of 1<sup>st</sup>  
attendance hub





## What can you do to support your pupils and their families?

**ATTENDANCE**

100%-96%

Support for the child	Support for the family	Support for the school
Record missed work and offer support to catch them up on their return	Regular newsletters with a focus on attendance at the beginning of each term, and within the term as necessary	Current attendance policy following DfE and GCC guidelines and available on school website
Show them that you are happy they have returned to school without drawing unnecessary attention to their absence	Regular reminders to check that parents/carers details are accurate	Investigation into the reason for the absence
Speak to them about their absence showing warmth and understanding, and curiosity about the absence	Documents available in different formats and suitable for all parents/carers' needs, including home languages	Record of investigation with times, full names, and complete notes, avoiding acronyms
Make their presence in school appear valued by all staff	Clearly direct parents/carers to available support in the school and wider community	
Discuss the incentives available in school and how they can work towards them	Share GCC's leaflets on attendance and direct parents to access further information from the LA's website	

# GCC Attendance Guidance: From First Signs to Legal Intervention


## Super Support

Therapy dog  
Praise postcards  
Golden Tickets  
Extra football  
Scooter slots  
Extra playtime  
Weekly breakfasts  
Y5/Y6 Greeters/Buddies  
Weekend teddy and journal  
Art and Wellbeing clubs  
Fairground  
Art and Wellbeing clubs  
Fairground  
School Council  
Active and engaging play time  
Rosettes  
Termly Bingo  
Points/Credits/Merits  
Choco Lotto  
Reward charts  
Raffle

Incentives

Last reviewed Aug 2024

# Notice to Improve (NTI)



A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued.



A Notice to Improve should be sent to give parents a final chance to engage in support



GCC will issue the Notice to Improve on behalf of the school



An email will be sent to each parent through the CAPITA One FPN application



Recommended length of improvement should be between 3 and 6 weeks



Sufficient improvement shall be no more unauthorised absences (unless an alternative, tailored to the family, has been previously agreed with GCC officers)



Schools will monitor the improvement period and request a penalty notice through Capita if the criteria are met

# When may a penalty notice for absence be appropriate?

**10 unauthorised sessions in 10 weeks**

**G, N, O, U, and a combination of these codes**

When a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks, with one of, or a combination of the following codes:

- (a) code G (the pupil is absent without leave for the purpose of a holiday)
- (b) code N (the circumstances of the pupil's absence have not yet been established),
- (c) code O (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies)
- (d) code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies)

If in an individual case the local authority believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met.

**A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 school-week period when the national threshold applies may span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).**

NTIs are not issued for G-coded absences e.g., for a term-time holiday taken for 10 sessions in 10 weeks.

In this instance, a penalty notice may be requested when the child returns from the holiday via the Capita One Module



# Is it the best tool for the job?

If repeated penalty notices are being issued – and they are not working to change behaviour – **they are unlikely to be most appropriate tool.**

The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period.





We are launching the new Capita Module  
for requesting  
Notice to Improve email notifications  
and Penalty Notices

[Video](#)

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For O codes, U codes, and Combination codes  
Support for the child and parent(s)

Type of Support	Date Offered	Accepted / Declined / Withdrawn	Date Commenced	Impact on Attendance
121 talks /capturing the child's voice				
Mentoring/Buddying				
Change in tutor group / seating arrangements				
Support with catching up on missed work				
Counselling				
Behaviour support				
Amended timetable including date EIS notified				
Alternative Provision including date EIS notified				
Patterns in attendance certificate identified/addressed				
Graduated Pathway/My Plan/My Plan+				
Health referral e.g., GP, TIC+, CAHMS				
TALC/Intervention Circle referral				
Referral to any other multi-agency				
Attendance Contract				
Early Help/Family Support Workers				
Parenting Courses				
Attendance Improvement Meetings				
Contact with siblings' schools				
Identification of transport needs				
Other				

Continue another page if necessary

Please refer to 'Steps to take before Initiating Legal Intervention' to support the completion of this table

## Using the 'Steps to Take Before Initiating Legal Proceedings'

form, schools can complete the 'Penalty Notice Evidence Form' when requesting the penalty notice

Full details of what will be needed for each code/combination of codes will be available to view on Schoolsnet

Similarly to 444(1a) cases, schools should be able to exhibit what they have done to support the child's attendance



# Support for the child and parent(s)/carer(s)

121 talks /capturing the child's voice
Mentoring/Buddying
Change in tutor group / seating arrangements
Support with catching up on missed work
Counselling
Behaviour support
Part-time timetable including date EIS notified
Alternative Provision including date EIS notified
Patterns in attendance certificate identified/addressed

Graduated Pathway / My Plan / My Plan + GP, TIC+ and/or CAHMS referral
TALC/IC referral
Referral to any other multi-agency
Attendance Contract
Early Help
Parenting Courses and Family Support Workers
Attendance Improvement Meetings
Contact with siblings' schools
Identification of transport needs
Other

If some elements are not appropriate to the child or family, you can say this in the application

Where pupils move between local authority areas, Gloucestershire County Council can be contacted on [crossborder.penaltynotice@gloucestershire.gov.uk](mailto:crossborder.penaltynotice@gloucestershire.gov.uk) to find out if penalty notices have been issued previously.

Where pupils attend school in Gloucestershire but live in a different LA, Gloucestershire County Council will liaise with the home LA to ensure consistency of approach for all pupils attending Gloucestershire Schools.



# Outcomes for a prosecution

- A guilty verdict for a 444(1) and 444(1a) case usually includes a fine and a criminal conviction
- Convictions appear on standard and enhanced DBS checks and the defendant must disclose the conviction for the 12 months after the sentence
- Convictions may affect visa and travelling plans



When is the sentence classed as spent?

- Custodial sentences and fines are considered spent after 12 months
- A community order is spent after the period stated on the order



## Advice on Legal Proceedings

The legal process can lead to a criminal conviction for parents.

The legal process can lead to a criminal conviction for parents. GCC follows the 'Support First' guidance from the Department for Education, and we ask you to ensure that legal action is the last avenue for attendance.

The Rehabilitation of Offenders Act 1974 confirms the following time periods before a sentence is classed as spent:

- A custodial sentence of 1 year or less - the end of the period of 12 months beginning with the day on which the sentence (including any licence period) is completed
- A relevant order (e.g. community order) - the last day on which the order is to have effect
- A fine - the end of the period of 12 months beginning with the date of the conviction

After the period ends, the conviction is still on the person's record and could come up on an Enhanced Records Check but the defendant would be classed as a "protected person". They are essentially treated as if they have not been convicted of the offence.

Before the rehabilitation period ends, the defendant must disclose the conviction when asked.

### Useful Documents

[Parenting Contract](#)

[GCC AIM And AIM Review Forms](#)

[The Legal Process, Witness Statements And Exhibits](#)

[Steps To Take Before Initiating Legal Proceedings \(Use\)](#)

[Request To Initiate Legal Proceedings Questionnaire 2024](#)



## Attendance

### News and Updates

Launch of the new Capita One Module Solution for requesting NTIs and PNs for all unauthorised leave of absences taken from September 2024. To access the module, please create a generic log in e.g., [fpn@school.sch.uk](mailto:fpn@school.sch.uk) and email it to your Inclusion Officer, with the name and email of your Attendance Champion.

GCC Attendance Guidance: From First Steps to Legal Intervention' now available under Useful Documents.

DfE Attendance Guidance >	GCC Attendance Guidance >	Information on Notices to Improve and Penalty Notices >
Advice on Legal Proceedings >	Part-time and Alternative Provision Timetables >	Information on Flexi-Schooling >
Information on 10-day Plus Absences >	Information for Parents and Carers >	Attendance Network Meetings >
Legal Questions Drop In Sessions >	Frequently Asked Questions >	Training and Support >

### Useful Links

- [Exclusions](#)
- [Elective Home Education](#)
- [Children Missing Education](#)
- [Child in Employment or Entertainment](#)
- [Attendance Communications Toolkit for Schools](#)
- [Preventing and Managing Common Childhood Illnesses](#)
- [Mental Health Lead Resource Hub: Mentally Healthy Schools](#)

### Useful Documents

- [School Self Assessment For Attendance](#)
- [Attendance Contract](#)
- [Skeleton Attendance Policy](#)
- [2024 School Attendance Codes](#)
- [GCC Attendance Guidance - From First Signs to Legal Intervention 2024](#)

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# Handy Hints

All staff should promote regular attendance with pupils and families

The whole school should be very clear from the start about attendance

Keep communication lines with families open

Promote professional curiosity about pupils' absences

Use clear notes that use parents/carers' full names and store all communication centrally

When a pupil has been PEX'd, use the E code until alternative provision has been made. Then either use the D code or B code, depending on what provision has been made. (*WTT/SA*, page 87)

Once a child is off for more than two weeks, the chances of them smoothly returning with no issues are low. Catch the absences ASAP – i.e. work with family.



# Thank you

Fliss Falconer – Lead Officer for Legal Intervention in Education (Attendance)  
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