

# Legal Attendance Updates and Best Practice

**Fliss Falconer**

Lead Officer for Legal Intervention in Education (Attendance)  
Education Inclusion Service

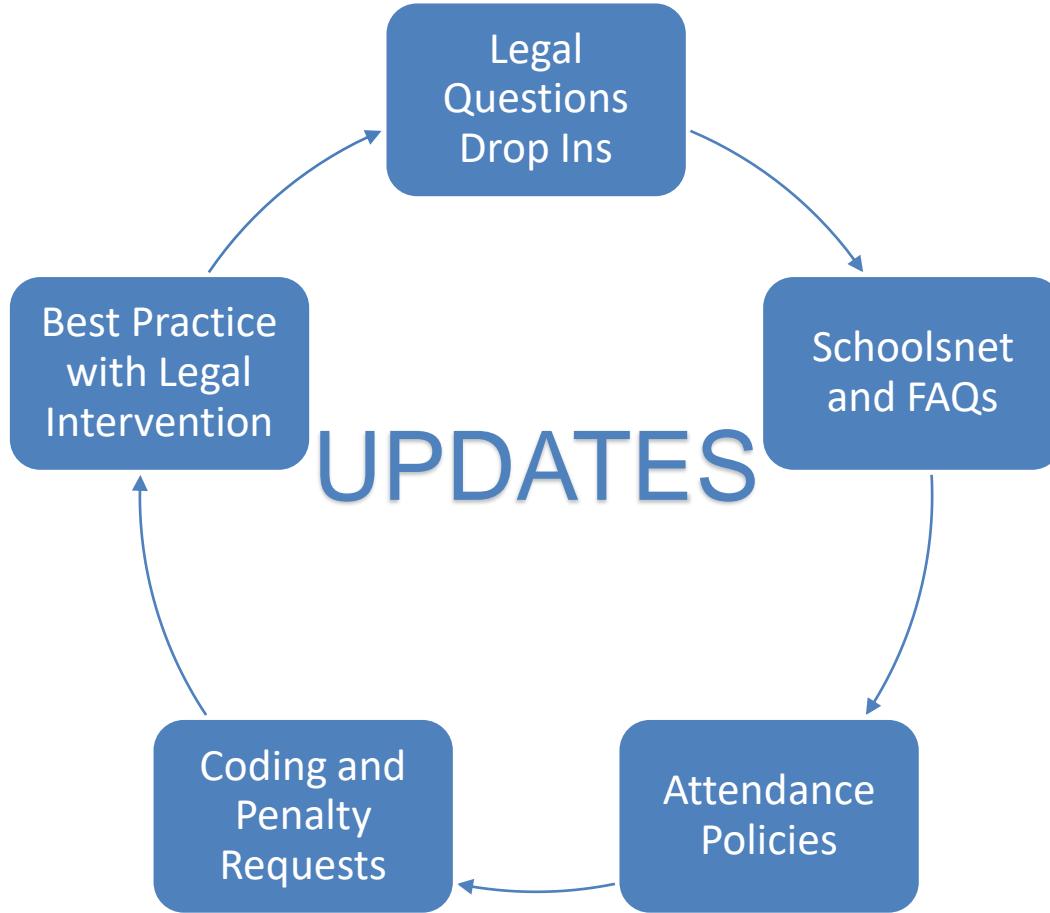
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*Living our values every day*  






UPDATES



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Legal  
Questions  
Drop Ins

Schoolsnet  
and FAQs

Attendance  
Policies

Coding and  
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Best Practice  
with Legal  
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# Legal Questions Drop Ins

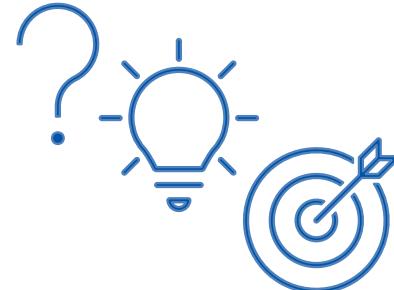
Every Wednesday on Teams  
12.45-13.45

**Come with your questions,  
share ideas  
and best practice**



Microsoft Teams

Meeting ID: 344 453 259 123  
Passcode: JXuh2i



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'Steps to Take...'



Penalty Notices – What We Look For



The Legal Process



Check	Notes	✓
Child's name		
School		
One email for each child, i.e., no cross-referencing		
Compulsory school age?		
DOB		
Dates of holiday		
10 G-codes		
Attendance certificate shows child returned to school after the holiday (exception is a child in Year 6 when the holiday is taken in the final Summer half term)		
Attendance policy says what the school regards as 'regular' attendance e.g. 'We expect the child to be in school, on time, every day that the school is open to them.'		
<b>THE PN REQUEST CANNOT BE ACCEPTED WITHOUT THIS</b>		
Original request from parent(s) included		
Headteacher declined the holiday request		
Unauthorised to mother/carer/stepmother		
Unauthorised to father/carer/stepfather		
If further information required: information added to email's heading with what is needed with a week's deadline for the information to be returned by the school		

# 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 the graduated pathway been followed to identify barriers to regular attendance?
- Has specialist advice been sought?
- Has the feedback been implemented?

### Patterns

- Have patterns in attendance been identified and addressed?

## 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?
  - Is Social Care involved with the family?

### 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, 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?

## 444(1)

<b>STATEMENT OF WITNESS</b>	
(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)	
<b>STATEMENT OF [insert first name and surname of witness]</b>	
Age of witness (if over 18, enter "over 18"): Over 18	
This statement (consisting of [insert number] pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signed: _____ (Witness) Date: _____	
I am [a/an/the] [job position/title] employed by [name of school], based at [school address]. I am authorised to make this statement on behalf of [name of school] and do so from my own knowledge unless otherwise indicated.	
I can confirm that [name of child] is aged [age] ([DOB]), and is/was a registered pupil at [name of school].	
<b>If the child lives with the parent/carer of the witness statement</b> From our records, [name of child] lives with [name of parent/carer] at [address]. They live a distance of [distance] miles from the school.	
<b>If the child does not live with the parent/carer of the witness statement</b> From our records, [name of parent] is the mother/father/carer of [name of child]. [Name of child] does not live with [name of parent/carer]. [Name of child] lives with their mother/father/carer a distance of [distance] miles from the school. <b>Do not include the address of the parent/carer the child lives with if the child does not live with the parent/carer of the witness statement.</b>	
The [name of school]'s attendance policy is attached as exhibit [exhibit]	
Signed: _____ (Witness) Date: _____	

The witness statement templates are geared to help guide and speed the process of completing them.

Give as much information as possible to 'story tell' the events of the case.  
Keep to the facts but cover all that was done and how it was received by the parent/carer/child.

**Proof-reading and checking information is correct is required by the school before submission.**

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Accountable

Integrity

Empower

Respect

Excellence

## 444(1a)

<b>STATEMENT OF WITNESS</b>	
(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)	
<b>STATEMENT OF [first name and surname of witness]</b>	
Age of witness (if over 18, enter "over 18"): Over 18	
This statement (consisting of [insert number] pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signed: _____ (Witness) Date: _____	
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I can confirm that [child] is [age] ([DOB]), and is/was a registered pupil at [school].	
<b>If the child lives with the parent/carer of the witness statement</b> From our records, [name of child] lives with [name of parent/carer] at [address]. They live a distance of [distance] miles from the school.	
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The [name of school]'s attendance policy is attached as exhibit [exhibit]	
Signed: _____ (Witness) Date: _____	

Signed: \_\_\_\_\_ (Witness) Date: \_\_\_\_\_



# Schoolsnet

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DfE Attendance  
Guidance

GCC Attendance  
Guidance

Information on  
Penalty Notices

Advice on Legal  
Proceedings

Part-time and  
Alternative  
Provision  
Timetables

Information on  
Flexi-Schooling

Information on 10-  
day plus absence

Information for  
Parents and Carers

Attendance  
Network Meetings

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# FAQs

Following July's ANMs, we  
have compiled the  
**Frequently Asked  
Questions for  
Attendance**

This is available on  
Schoolsnet

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## Attendance FAQs from Attendance Network Meetings, July 2023

### Coding

Does 'D' code affect attendance data?

*From the 'WTIISA' Section 8, pg 62: Code D: Dual registered at another school 247. The law allows for a pupil to be registered at more than one school. This code is used to indicate that the pupil was not expected to attend the school in question because they were scheduled to attend the other school at which they are registered. The main examples of dual registration are pupils who are attending a pupil referral unit, a hospital school or a special school on a temporary basis. 248. Each school should only record the pupil's attendance and absence for those sessions that the pupil is scheduled to attend their school. Schools should ensure that they have in place arrangements whereby all unexpected and unexplained absence are promptly followed up.*

Is there a set time to close your register?

*The closing time of the registration is at the school's discretion. From the 'WTIISA' Section 2, pg 13: Proactively manage lateness and set out in their attendance policy the length of time the register will be open, after which a pupil will be marked as absent. This should be the same for every session, and depending on the structure of the school day, not longer than either 30 minutes after the session begins, or the length of the form time or first lesson in which registration takes place.*

How are absences coded after an AIM?

*Continue to use the coding as normal following an AIM.*

Will coding for Mental Health absences be always coded as I?

*Currently, illness is coded as I; we will publicise any changes should they happen.*



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# Attendance Policies

Published 24.10.2023

**This is a call for an annual review of your school's attendance policy. By 18/12/2023, please contact your school's Inclusion Officer to confirm review has been made of the policy.**

**A copy of GCC's skeleton attendance policy, which is available for all Gloucestershire schools to use, can be found below.**

**It is Vital that all attendance policies set out to what the school deems to be regular attendance.**

**The skeleton policy gives you the following example: We expect pupils to be in school for every session of the school day and for every day the school is open.**

**We are happy to accept confirmation of reviews that have taken place within the last 12 months. Please get in touch if we can provide support or answer your questions.**

Without a clear definition of 'regular' attendance, we will not be able to proceed the unpaid penalty notice to court.

Thank you to all schools who have helped update our records.

Please let your Inclusion Officer know that you have reviewed your Attendance Policy by 18/12/2023.

**N.B. Schools who do not have a clear definition of 'regular' attendance after this point, will not have their Penalty Requests approved.**

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# Coding

'Working Together to Improve School Attendance'  
Section 8 Attendance and Absence Codes

Code T: Traveller absence 230. A number of different groups are covered by the generic term traveller – Roma, English and Welsh Gypsies, Irish and Scottish Travellers, Showmen (fairground people) and Circus people, Bargees (occupational boat dwellers) and New Travellers. 231. This code should not be used for general absences by those groups. It must only be used when the pupil's parent(s) is travelling for occupational purposes and the school has granted a leave of absence following a request from the parent. This code should not be used to record any other types of absence by these groups.

232. Pupils from these groups whose parent(s) do not travel for occupational purposes are expected to attend school as normal. They are subject to the same rules as other pupils in terms of the requirements to attend school regularly once registered at a school.

233. Where a pupil has no fixed abode because their parent(s) is engaged in a business or trade that requires them to travel, there is an expectation that the pupil attends at least 200 sessions per year. The pupil must attend school as regularly as the business permits and therefore, if the business or trade permits the pupil to attend for more than 200 sessions per year, they should do so.

234. To help ensure continuity of education for pupils, when their parent(s) is travelling for occupational purposes, it is expected that the pupil should attend school elsewhere when their parent(s) is travelling and be dual registered at that school and their main school.

**Please be mindful that some students may feel that they are entitled to 100 days from school.**

Investigations into the pupil(s)'s education while not in their registered school should be made by the school and regular check ins be organised and recorded.

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# Penalty Requests

Only 2 penalty notices can be issued per child per 12-month period.

When you request a penalty notice, please ensure that this has not been exceeded.

**If more than two holidays have been taken within 12 months, contact your Inclusion Officer and we will arrange a meeting to begin 444(1) case for legal.**

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# Break

How do you challenge unauthorised absences?

What does your school do to encourage 'regular' attendance?



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# Best Practice with Legal Intervention

Ideas will be shared on  
Schoolsnet

What we do to  
encourage regular  
attendance?

Share your  
ideas on your  
sheets

Can you  
identify best  
practice on  
other tables?

Add a



How do we  
challenge  
unauthorised  
absences?

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Accountable

Integrity

Empower

Respect

Excellence



# Attendance

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OUR APPROACH AT LINDEN PRIMARY SCHOOL



# The Legal Process, Witness Statements and Exhibits

(Adapted from 'Witness Statement Training' – March 2023)

- 'Steps to Take...'
- What Next?
- Decision to Prosecute
- Evidence
- Witnesses
- Record-Keeping and Gathering the Evidence
- Witness Statement Templates
- What Happens Next?
- Court Process and After the Court Process

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# Thank you

**Fliss Falconer**

Lead Officer for Legal Intervention in Education (Attendance)  
Education Inclusion Service

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