

SBC Attendance Service Procedural Guidance

Schools referral process for:

- Children Missing Education/Pupil Tracking Referral (CME)
- Deletions from the School
- Elective Home Education Referral (EHE)
- Persistent Absence Referral (PA)
- Warning Periods and Penalty Notices (WP/PN)

Introduction

Stipulated by the DfE School Attendance paper, this document provides procedural guidance for Slough schools in the key areas managed by the SBC Attendance Service consisting of all school attendance related procedures and referral processes/pathways for:

- 1) Children Missing Education/Pupil Tracking Referral (CME)**
- 2) Deletions from the School Roll**
- 3) Elective Home Education Referral (EHE)**
- 4) Persistent Absence Referral (PA)**
- 5) Warning Periods and Penalty Notices (WP/PN)**

Referral forms and Guidance templates for the above areas are contained within this document.

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SBC - Attendance Service Contact Details

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Referrals for CME & Attendance

For School Attendance Queries

Attendance Service Main Line: 01753 787670
Attendance Service Email: attendance@slough.gov.uk

For CME Queries:

Pupil Tracking Main Line: 01753 787670
Pupil Tracking Email: pupiltracking@slough.gov.uk

1. Children Missing Education (CME) & Pupil Tracking (PT)

1.1 Who are Children Missing Education?

Children Missing Education CME are children of compulsory school age (5-16) The DfE defines CME as: 'Children of compulsory school age who

- are not registered pupils at a school and
- are not receiving suitable education otherwise than at a school
- who have been out of any educational provision for a substantial period of time (usually four weeks or more).'

Children Missing Education should **not** be confused with:

- children who are on roll at a school but are not in regular attendance.
- children who are receiving Home Education (known as Elective Home Education)
- children whose parents have applied for a school place, and the referrer has confirmation that the application is in process via SBC's Admissions Service

1.2 Statutory Responsibilities of the LA

The LA has a duty under Section 436 A of the Education Act 1996 to establish (in so far as is possible to do so), the identities of children in its area who are of compulsory school age but are not registered pupils at a school or receiving some other form of suitable education. The obligation under Section 436A of the Education Act 1996, as outlined above, includes a duty under s437 of the Education Act to intervene if it appears that a child is not receiving a suitable education.

The SBC Attendance Service are responsible for managing local procedures in line with this statutory guidance. These procedures include:

- investigate and track CME referrals made by schools, other agencies and other LAs
- maintain a database of CME
- use the Missing Pupils function of the schools to schools site for tracking CME
- ensure that up to date information regarding school places and access to alternative provision is readily available from pupil Admissions
- ensure appropriate monitoring and tracking systems are in place
- deliver training/briefings to schools and agencies to support the CME function, if requested
- support and encourage schools to transfer files via S2S
- information share with other service services including Early Help, Social Care, YOT etc.

1.3 Statutory Responsibilities of Schools

Schools also have safeguarding duties under section 175 of the Education Act 2002 in respect of their pupils, and as part of this should investigate any unexplained absences. Academies and independent schools have a similar safeguarding duty for their pupils. Schools have a key role in ensuring that children do not become CME.

All schools are required to have an admission register and, with the exception of schools where all pupils are boarders, an attendance register. All pupils must be placed on both registers.

From 1 September 2016, under The Education (Pupil Registration (England) (Amendment)) Regulation 8 of the Education (pupil Registration) (England) Regulations 2006, all schools, including independents, are required to:

- inform their LA when they are about to delete a pupil's name from the admission register under all fifteen grounds. Schools should not remove a child from the school roll without being instructed to do so by the LA in certain cases as outlined in section 5 of this document (Deleting Pupils from the School Roll)
- record details of the pupil's residence, the name of the person with whom they will reside, the date from which they will reside there, and the name of the destination school (where they can reasonably obtain this information)
- inform their LA of the pupil's destination school and home address if the pupil is moving to a new school
- provide information to their LA when registering new pupils within five days, including the pupil's address and previous school (where they can reasonably obtain this information).

1.4 Making a CME referral to the LA Attendance Service

The updated CME referral form is attached to this document as **Appendix A**. This referral should be used for all CME referrals into the Local Authority from September 2021 onwards. **Referrals on the old form will not be accepted.**

The referral should be completed and submitted electronically and securely via egress to; pupiltracking@slough.gov.uk **Referrals will not be accepted via post or via telephone.**

Schools MUST only send 1 CME referral per email to avoid any breach in GDPR, Data Protection. As we may need to forward emails, CME referral on to other agencies.

1.5 What are Schools required to do?

Reasonable enquiries should commence as soon as you are aware of or believe a child is missing from education. Enquiries should include:

- Making enquiries within school with class teachers, friends (if appropriate)
- Telephone calls made to any numbers held on school records
- Attempt telephone contact with all known emergency numbers

- Email parents and contacts on the school's most up to date contact form
- Write to the address of both parents (if they live separately and is appropriate to do so)
- Contacting family, relatives known to the school, landlords and other significant adults
- Speak to other agencies that have been working with the family such as social care, early help, youth offending team
- Contact any schools known to have siblings or relatives on their roll
- Conduct a home visit if you have been unsuccessful in locating the pupil's whereabouts and if safe to do so. Speak to neighbours if at all possible
- If you have been provided with a forwarding address in the UK, it is expected that you make enquiries with that Local Authority

This list is not exhaustive; cases should be taken on an individual basis meaning that enquiries may differ case to case.

If at any point there is reason to believe a child is in immediate danger or at risk of harm, a MARF (multi-agency referral form) should be completed and returned via The Front Door. Also where appropriate, schools can contact the police directly in accordance with the School's Safeguarding Procedures.

Points to consider prior to making a CME referral

- Where there are siblings at other schools, please liaise with them before making a referral. In some cases, the other schools may have located the family through enquiries.
- Where a family has provided an address in another Local Authority, enquiries must be made with that authority to try to confirm the whereabouts of the family before making a referral. School records should be updated accordingly.

1.6 What the Local Authority will do when they receive a CME Referral Form

Once the Local Authority receives and approves a Children Missing Education (CME) referral, we will:

- Check local databases
- Check school2school database
- Attempt to make contact with the parent, relatives and neighbours using known contact details
- Conduct checks with health, police, Children's Social Care and other partner agencies (reasonable enquiries)
- Conduct additional home visits if required
- Send warning letters to the family reminding them of their legal duty as a parent to ensure their child receives a suitable education
- Contact other Local Authorities/areas where required
- Provide an update to schools on the referral where they requested this
- inform the school once statutory checks have been completed and whether or not the school can remove the child from roll
- verify the whereabouts of the child as far as reasonably possible and obtain an update of the child's new education.

1.7 LA's Prioritisation of Referrals

Due to large numbers of referrals it may be necessary for the CME caseload to be prioritised due to the potential risk to the child. High risk will be identified by the following criteria:

- Children with a Child in Need or Child Protection Plan
- Looked after children
- Children reported as missing from home
- Children engaged in offending behaviour
- children living in homes where domestic abuse exists has been identified
- children with vulnerabilities (see [statutory guidance from DfE on Keeping children safe in education 2021](#))
- where there is known parental substance misuse, mental illness or learning disability
- Children and families who have gone overseas

2.0 Families Leaving the Country

2.1 Informing the LA of a Child leaving the Country

In the case of children leaving the country, certain additional information should be gathered by the school and attached to the CME referral. A "Children Leaving the Country" form is available as **Appendix B** in this document for schools to use.

NB: Please give consideration to the possibilities of; forced marriage, child trafficking, child sexual exploitation, that the child(ren) may not be leaving the country as reported and any other potential safeguarding risks.

3.0. Removing Pupils from the School Roll

3.1 Statutory Framework

In June 2015 OFSTED inspectors reported national findings of inconsistent practices for recording and reporting cases where children are removed from schools. This raised serious concerns about safeguarding issues with children potentially exposed to the risk of harm, exploitation or radicalisation. Her Majesty's Chief Inspector, therefore, recommended that the Government strengthen regulations to ensure that schools provide regular and accurate information to their Local Authority about children as they are added to or removed from school admissions registers.

During Spring of 2016 the DfE consulted on *Improving Information in Identifying Children Missing Education*, which set out to improve communication and co-ordination between schools, including independent schools, and Local Authorities.

The outcome of the consultation led to [amendments to the Education \(Pupil Registration\) \(England\) Regulations 2006](#) being made in July 2016 which came into effect on 1st September 2016.

Under Regulation 12 schools are now legally required to notify their Local Authority of every new entry to the admission register within five days of the pupil being enrolled. In addition to this, every deletion from the school register must also be notified to the Local Authority.

Department for Education published the [Children Missing Education 2016 guidance](#) to support these changes.

To ensure that Slough Borough Council and all Schools follow [Working Together to Safeguard Children statutory guidance](#) schools are asked **not to delete** any pupil from the school roll without the approval of the Attendance Service in certain cases as outlined in section 1.3.

This will ensure that;

- both Schools and the LA discharge their statutory duties
- every child can access their right to a full-time efficient and suitable education
- no child “falls through the net” between education provisions
- all children are tracked efficiently to minimise safeguarding risks

Schools must have regard to Departmental and Local Authority Guidance before removing any child from the school roll.

3.2 Non School Attendance for 20 or more consecutive days

This section clearly outlines the criteria that must be met in order to legally remove a child from the school roll in these circumstances;

The [Education \(Pupil Registration\) \(England\) Regulations 2006 \(8- 1-h\)](#) state the following in respect of removing a child from the school roll when the child has been continuously absent for 20 days and;

- (i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);
- (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
- (iii) **both** the proprietor of the school and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is;

A full list outlining the grounds for deleting a pupil from the school admissions register is attached to this document in **Appendix C**.

3.3 What does the 20-day rule mean for schools?

- The criteria in 3.1 above must be fully met in all cases before a child can be removed from roll
- **Both** the school and the LA must carry out **reasonable enquiries** to locate the child and both must agree that the criteria for off rolling have been met.

- The school must be able to evidence their enquiries
- Schools do not need to wait until the 20 days have elapsed before making the CME referral to the LA, the referral should be made as soon as they have exhausted their enquiries or within 10 days at the latest.
- **NB:** Schools **should not** remove any child from their roll without the approval from the Attendance Service which will be given once statutory enquiries have been completed.
- If a child misses 20 days of school but it is established that **they still reside at their Slough address** a CME referral **should not** be completed and the child **should not** be removed from the school roll. The school should address the non attendance by submitting a Persistent Absence referral to the LA Attendance Service in such cases.

3.4 When schools can/cannot remove a child from roll without the LA's approval

The following table outlines the DfE's 15 reasons when a child can be removed from the school roll. Also detailed are circumstances when the Attendance Service at the LA must provide approval prior to the child being removed from the school roll;

Number	DfE Reason for Deletion from roll	Does the school require LA approval prior to removing the child from roll Yes/No	Reason approval is required	Conditions to be met by the school prior to the removal from roll
1	LA approved change of education provision due to SAO School Attendance Order	No	n/a	n/a
2	Pupil registered in another school	No	n/a	School <u>must</u> have <u>written</u> confirmation of registration and start date at the new school before deleting from roll
3	Pupil on dual roll has ceased to attend	No	n/a	The "guest" school must be in communication with the "main" school to ensure the child returns to the main school
4a	Pupil receiving Elective Home Education when: a. no written confirmation provided by parent b. child has EHCP	Yes	Parents intentions to be established by the LA / SEND approval to be given prior to school removing from roll	n/a

Number	DfE Reason for Deletion from roll	Does the school require LA approval prior to removing the child from roll Yes/No	Reason approval is required	Conditions to be met by the school prior to the removal from roll
4b	Pupil receiving Elective Home Education when: Parents have provided confirmation of intention to EHE	No	Parents intentions to be established by the LA / SEND approval to be given prior to school removing from roll	1.School has discussed the EHE with parent in accordance with this guidance (section 2) 2.Child does not have EHCP
5	Home school distance is unreasonable (left area)	Yes	Statutory checks to be completed prior to removal from roll	n/a
6	Pupil failed to return following authorised leave of absence	Yes	Statutory checks to be completed prior to removal from roll	n/a
7	Pupil medically unfit to attend school	Yes	Child's circumstances to be investigated prior to removal from roll	n/a
8	Pupil continuously absent at least 20 days cannot locate child	Yes	Statutory checks to be completed prior to removal from roll	n/a
9	Pupil given custodial sentence for 4 months or longer	No	n/a	School has sufficient written evidence and is in communication with the child's Youth Offending Worker
10	Death of pupil	No	n/a	School has sufficient written evidence
11	Child is not statutory school age	No	n/a	n/a
12	Pupil leaving independent school	No	n/a	n/a
13	Permanent exclusion	No	n/a	Schools should be in contact with the Education Access Officer at the LA
14	Nursery child not continuing to Primary School	No	n/a	n/a
15	Pupil leaving boarding School fees unpaid	No	n/a	n/a

Note: Schools **must** complete the CME Referral Form in all of the above cases

4.0 A Guide to completing the CME Referral Form

The CME/Pupil Tracking Form is divided into 5 core sections (A,B,C,D and E). Please refer to this section for guidance when completing the form;

- Part A** Child and parent/carer details and information on the reasonable enquiries the school has undertaken to locate the child prior to referring to the LA
- Part B** Reasons the child will be deleted from the roll in line with the [DfE Children Missing Education 2016 Guidance](#). A brief summary of the permitted reasons has been printed on the form so schools can select the relevant one.
- Part C** **School to School Transfers**. This section has been added to assist schools in cases where less information is required as we know where the child has gone to. Schools must however have received written confirmation from the new school confirming the start date and registration date of the child
- Part D** **New Starters**. Schools only need to fill in minimal detail for new starters at the school.
- Part E** **Elective Home Education**. This section has been added to enable schools to provide the necessary information to the LA when completing a CME referral following a parent's notification that their child is being removed from the school roll for the purpose of EHE

Completion

Parts A and B must be completed for CME and pupil tracking referrals, for example;

- Family have informed the school they are moving out of borough
- Family have informed the school they are moving to another country (appendix B: children leaving the country should be completed and attached with the CME referral form)
- Child's whereabouts is unknown and school are unable to make contact despite the reasonable enquiries they have undertaken
- Parents have chosen to Electively Home Educate (EHE) their child

Part C should be completed in cases where a child is moving from one school to another, for example;

- Child moving from Slough school to another Slough School
- Child moving from Slough School to another out of borough/independent school

NB: schools **must have received written confirmation** from the new school confirming the child's registration and start date **before removing the child from roll**. Notice from parents of the new school details is **not sufficient** to delete the child from roll – the new school must provide written confirmation of this.

Part D should be completed in cases where a child has been taken onto the roll of the school during in-year within 5 days of adding the child onto the school roll

Part E should be completed in cases where a parent has informed the school that they intend to EHE their child. This section will assist schools to establish the reason for the parents' decision and to provide an opportunity for the school to investigate any concerns the parent has with the school prior to removing the child from the school roll. Parents are not obliged to provide this information and may, therefore, decline to provide details.- in such cases please state this in section E.

5.0. Elective Home Education (EHE)

5.1 Statutory Framework

The DfE has published departmental guidance for Local Authorities/Schools and for Parents in relation to EHE¹. The Local Authority must discharge its responsibilities which they have under [Sections 436A and 437 of The Education Act 1996](#).

In England, education is compulsory, but attending school is not. [Section 7 of the Education Act 1996](#) states that:

“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable;

- to his age, ability and aptitude, and
- to any special educational needs he may have, either by regular attendance at school or otherwise.”

Some parents choose to do this by educating their children at home. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education that "achieves that which it sets out to achieve", and a "suitable" education as one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".

[Article 2 of Protocol 1 of the European Convention on Human Rights](#) states that:

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Parents who have opted to Electively Home Educate their Child

Parents choosing to Electively Home Educate their child/ren should be purely a voluntary decision and not as a result of pressure from the school.

In Slough we ask that parents confirm their intentions to EHE their child in writing to the current school. However, this is not compulsory meaning that there are two scenarios need to be considered in order to avoid the risk of a child missing education:

- Where parents may have indicated that they intend to home educate but have not confirmed in writing or when the school suspects that a child is being home educated, the school should immediately inform the LA. Schools SHOULD NOT remove the child from the roll until approval has been provided by the LA following their investigations. Approval will be given once the LA has established with the parent(s) that it is indeed their intention to withdraw their child(ren) from the Education system for the purpose of EHE, and that they understand what their responsibilities are.

¹ [DfE guidance on elective home education](#)

- When a parent formally notifies the school that they are withdrawing their child for EHE the school is required to follow the process outlined in Section 2.2 below and then notify the Attendance Team.

In Slough we advise, as good practice, that schools allow a 'cooling off' period of 20 school days to enable the parent to be given advice, independent of school, (by the EHE Officer(s)) about their options and the implications of any decision before the school place is available for reallocation.

5.2 Making an EHE referral to the LA Attendance Service

The updated CME referral form is attached to this document as **Appendix A**. Schools should complete parts **A, B and E** and send securely via Egress, along with a copy of the parents written confirmation letter to pupiltracking@slough.gov.uk

5.3 What are schools required to do?

Local authorities and Schools should work together to ensure that every child has access to their right to a full-time, efficient and suitable education. This applies to Electively Home Educated children as well. Once a parent formally notifies the school that they wish to withdraw their child from the school roll for the purpose of EHE, it is expected that the schools carry out the following prior to a referral to the LA Attendance Team:

- Ensure that the parents decision to EHE their child is purely a voluntary decision
- Obtain written notification from the parent of their intention to EHE their child
- Discuss the reason the parent has chosen to EHE their child
- Discuss and address any concerns that the parent has with the school / dissatisfaction with the system if this is being used as a reason for withdrawing from the school roll
- Ensure that the parent is clear on what their responsibility is when they opt for EHE.

The following should be relayed to the parent;

- Ensure that the parent understands that, in accordance with [Section 7 of The Education Act 1996](#), they have the responsibility to ensure that their child receives "efficient, full time education suitable to;
- His age, ability and aptitude and any special educational needs he may have either by regular attendance at school or otherwise
- Parents must be prepared to assume full financial responsibility, including bearing the cost of any public examinations

Parents have the right to apply for a school place at any time should they subsequently decide that the EHE is not as successful as they wish it to be, however in accordance with SBC's Fair Access Protocol, children removed from the school roll for the purpose of EHE that wish to return to the school system will be expected to return to the school that they left. Parents should be made aware of this when considering EHE as a temporary measure, i.e. in respect of COVID or whilst they are awaiting a school place of preference. Parents are expected to assume full responsibility for their child's daily education. In such instances parents should be advised to contact the Admissions Team or complete a new Admissions Application online (SBC website)

Please note that parents are not legally obliged to confirm their intentions of the EHE however, as per Government Guidance, it would be sensible for them to do so. If this is the case then please disclose this on the CME referral form **part E** – do NOT remove the child from the school roll until approval has been given by the Attendance

Service – this will occur once they have carried out their investigations with the parents.

In Slough we ask that all parents, when withdrawing a child from a school roll for the purpose of EHE, confirms their intention in writing to the school. This confirmation letter should be included in the CME referral form completed by schools.

5.4 What the Local Authority will do when they receive a CME Referral Form in respect of EHE

Once the Local Authority receives and accepts a CME referral for the purpose of EHE, we will:

- Check all databases in relation to the child's status i.e. known to social care/early help (where this is the case the relevant case worker will be notified)
- Make contact with the parent to confirm their intentions to EHE and establish their reasons for doing so
- Notify the parents of their legal responsibilities
- Once it has been ascertained that the child will be purposely home educated, the Attendance Team will;
- Notify the Home Education Advisory Teachers at Littledown of the case who will arrange an initial visit with parents in approx. 4 weeks and thereafter annually to establish the child is being suitably educated at home
- Take further action in cases where it appears that a suitable education is not being provided as per The Education Act 1996. This action may include additional visits, support and/ or enforcement against the parent (School Attendance Order)
- The LA will inform the school once the investigation has been completed and the school can remove the child from roll.

6. Persistent Absence (PA) Referral

6.1 Statutory Framework

- Regular and punctual attendance at school is a legal requirement under Section 7 of the Education Act 1996
- Under Section 444 of the Education Act 1996, an offence occurs if a parent* fails to secure a child's regular attendance at school at which they are a registered pupil, and the absence is not authorised by the school and none of the statutory defences apply
- The Education (Penalty Notices) (England) Regulations 2004 came into force on 27th February 2004. Penalty Notices supplement the existing sanctions to enforce attendance at school currently available under Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989
- Section 23 of the Anti Social Behaviour Act 2003 empowers designated Local Authority (LA) Officers, Head Teachers (& Deputy and Assistant Headteachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school
- The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and all Equal Opportunities legislation

6.2 Who does this apply to?

Persistent Absence applies to:

- Pupils with poor/non attendance (Please Note: as of September 2021, this includes poor/non-attendance for COVID related absence)
- Pupil missing at least 10% of possible sessions and at least 10 sessions have been recorded in a 12 week period
- Attendance concerns are **NOT** related to unauthorised holiday absences
- The school has exhausted all of their own available interventions prior to a referral to the LA

From September 2020, additional information was required from schools in order for the LA Attendance Service to have a better understanding of the reasons for poor attendance and to be able to support in the best possible way. This was to further incorporate inclusion for all of Slough's pupils, ensure support is provided to CYP & families where needed, to meet the obligations in respect of the Crown Prosecutors Code and ensure that we are all "Working Together to Safeguard Children".

Additional information that is required from schools includes:

- Copy of registration certificate attached
- Records of schools interventions to dates (phone calls, meetings, home visits)
- Details of any referrals school has made to other agencies i.e Early Help, Youth Support

6.3 Making a PA referral to the LA Attendance Service

The PA referral form is attached to this document in **Appendix D**. Schools should complete all sections of the form and send, along with a copy of the child's registration certificate, securely via Egress to: attendance@slough.gov.uk

Guidance to completing a PA Referral Form is attached to this document as **Appendix E**

6.4 What are schools required to do?

Schools should decide to complete a PA referral to the LA when:

- the PA criteria has been met (that is: The threshold of 10% of possible sessions have been missed and at least 10 sessions have been recorded in a 12 week period)
- The school has carried out all possible interventions to address the poor attendance, referred to other agencies for support where appropriate and the attendance is still unsatisfactory
- Parent/child has had the opportunity to address the poor attendance at a school level prior to an LA referral
- School has the relevant supporting evidence/documentation of their interventions that is required to go with the referral
- Complete all sections of the referral form in full and apply the relevant signatures
- Attach copies of the required supporting documentation as outlined in section 6.2. Referrals will be returned where the required documentation has not been provided
- Schools can contact the attendance for progress updates by emailing attendance@slough.gov.uk

6.5 What will the LA do once a PA Referral is received?

- Check the form is completed as required
- Write to the parent **within 10 days** of receiving the referral outlining attendance concerns and expectations to improve attendance
- Review attendance at the end of 4 week period
- Decide on next steps in cases where attendance has not satisfactorily improved. This may be a call/meeting with the parent or a recommendation to school that **a)** enforcement action is now initiated or **b)** referral to be made by the school to alternative agency i.e. Early Help/Family Support
- *Please Note: The LA may need to come back to the school for further information throughout this process.*

7.0 Penalty Notices/Warning Periods (PN/WP)

From March 2021 additional information was required from schools in order to issue a Warning Period for unauthorised absences and Penalty Notices (fines) to parents for removing their child/ren from school for the purpose of a holiday. This was to further incorporate inclusion for all of Slough's pupils, ensure support is provided to CYP & families where needed and to meet the required legal obligations in terms of enforcement. The additional information has been useful and will continue to form part of the referral form.

7.1 Criteria

Penalty Notice requires: 10 sessions (5 days) consecutive unauthorised absence that is recorded as code G

Warning Period requires: 10 sessions of unauthorised absences in any 12 week period (Combination of Codes- O, G, U)

7.2 Making a PN/WP referral to the LA Attendance Service

The Penalty Notice and Warning Period Proforma is attached to this document as **Appendix F**. Schools should complete all sections of the form and send, along with a copy of the child's registration certificate, to: attendance@slough.gov.uk

Guidance to completing the Penalty Notice and Warning Period Proforma is attached to this document as **Appendix G**

7.3 What are schools required to do?

From September 2020, additional information was required from schools in order for the LA Attendance Service to have a better understanding of the reasons for poor attendance and to be able to support in the best possible way. This was to further incorporate inclusion for all of Slough's pupils, ensure support is provided to CYP & families where needed, to meet the obligations in respect of the Crown Prosecutors Code and ensure that we are all "Working Together to Safeguard Children".

Additional information that is required from schools includes;

- A Copy of registration certificate
- Records of school interventions to date (phone calls, meetings, home visits)
- Details of any referrals the school has made to other agencies i.e Early Help, Youth Support

7.4 What will the LA do once a WP/PN Referral is received?

Warning of Fine

The LA will:

- check the form is completed as required and review all supporting information
- action the referral within 10 days of receipt
- issue the “warning of fine letter” to the parent stating the 4 week (20 school days) warning period. An email will be sent to the school informing them of the warning period dates
- respond to parent queries in relation to the warning letter (there may be occasions that we need to refer back to school but in general terms we will keep all queries at LA level where possible)
- review the child’s attendance at the end of the warning period and close the referral with no further action if attendance has improved or absences during the warning period have been authorised by the school

OR

- **proceed to the issue of a fine** if further unauthorised absences have occurred

Issuing a Fine

The LA will:

- issue the fine to the parent/s. An email will be sent to the school informing them of the issue of the fine
- respond to the parent queries in relation to the fine (there may be occasions when we need to refer back to school but generally we will keep all queries at LA level where possible)
- monitor the enforcement process and payment of fine/s
- if payment is made no further action will be taken at this stage (parent has discharged their liability for this offence) – schools should contact the LA if attendance becomes a concern again via a new referral
- If no payment is made the LA will, along with legal services, consider prosecuting the parents under The Education Act 1996 (*see notes below on prosecution*)

Number of Fines That Can Be Issued

SBC's protocol states that parent/s will only be issued with **one fine per academic year**. If attendance continues to be a concern following this, alternative enforcement can be taken i.e. panels/prosecution

7.5. Prosecution

- If parent/s do not pay the fine prosecution will be considered.
- It is important for schools to know that although fines have not been paid, it is not always appropriate for prosecution to take place as various factors need to be considered at this stage which includes child's overall attendance, improvements made throughout the enforcement process, social care/other agency involvement and if such prosecution is "in the public's interest"
- The decision regarding prosecution ultimately lies with Slough Borough Council's legal services
- The School will be notified by email via Egress of cases proceeding to court for prosecution
- When a case does go to court it is important for schools to know that if a parent pleads "not guilty" in court, the case is automatically listed for "Trial". At this stage the Headteacher (or designated person) may be called as a witness and subject to cross examination from the parents, their legal representative and the court

7.6 Withdrawal of Fines

There are occasions when schools request a fine to be withdrawn and the following needs to be considered:

- Within protocol there are only 4 official reasons that the LA can withdraw a fine once it has been issued which are;
 - PN has been issued outside of the terms of the local code of conduct

- it ought not to have been issued or issued to the person named as the recipient
 - PN contains material errors
 - where after the expiry of 28 days the penalty notice is unpaid and the LA has not started legal proceedings or wishes to take such action under section 444
- It is not possible for fines to be withdrawn outside of the above reasons
 - The Headteacher must give the instruction to withdraw a fine including the reason for withdrawal – requests from School Attendance Officers to withdraw a fine will **NOT** be accepted without the Headteachers approval.

8.0 School Attendance Order (SAO)

8.1 Statutory Framework

Section 437 of the Education Act 1996, confers a duty on LAs to consider issuing a SAO where it appears to it that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise and it appears to the LA that it is expedient that the child should attend school. This duty does not apply in relation to children who are registered at a school who are not attending regularly.

[Note: Before serving a SAO every effort should be made to engage the parents and help them to get their child/ren onto a school roll. This may include making sure the parents are aware of the location of schools in the area, the availability of places and explaining the admissions, or admission appeal arrangements and waiting list arrangements where necessary.]

8.2 When a SAO should be considered

Parents who have refused all offers of a school place and have not provided evidence indicating a suitable education is being provided. This applies to all children of statutory school age including children with special educational needs *[Note: this also includes those with EHCPs].*

Parents who have removed their child from school and it appears are not providing a suitable education.

Parents who have moved into the Slough area and have not secured a school place and who have not engaged with the LA in providing information regarding the education of their child.

Prior to advancing to the stage of issuing notices all efforts should be made to engage the parents.

If the LA receives no information on the education being provided for a child i.e. a parent that is home educating their child is refusing to provide a report, the LA can assume that the child is NOT receiving a suitable education and look to proceed with a SAO

SBC will assess on a case by case basis in order to determine the necessary course of action and will liaise with schools directly regarding their involvement.

[DfE guidance on legal action to enforce school attendance](#) can be cited.

Appendices

Appendix	Document details	Link to full document
Appendix A	Child Missing Education (CME) / School 2 School Referral Form Part A - CME / Pupil Tracking Part B - Reason for Pupil Removal from Roll Part C - School to School Transfer Part D - New Starter (In-year) Part E - Elective Home Education	SBC Children missing in education referral form
Appendix B	Children leaving the Country Pro Forma	SBC – Child leaving the country form
Appendix C	Grounds for deleting a pupil of compulsory school age from a school register (set out in the Education (Pupil Registration) (England) Regulations 2006, as amended)	Grounds for deleting a pupil from school roll
Appendix D	Persistent Absence Referral (PA) Form	SBC – PA referral form
Appendix E	Guidance to completing a Persistent Absence (PA) referral form	SBC - Guidance to completing a Persistent Absence referral form
Appendix F	Penalty Notice and Warning Period Proforma	SBC – PN and WP Proforma
Appendix G	Guidance on completing a Warning Period Penalty Notice Proforma	SBC Guidance on completing a WP / PN Proforma
Appendix H	Flowcharts for CME, EHE, PA, PN/WP Process	<ul style="list-style-type: none"> • CME flowchart • EHE flowchart • PA flowchart • PN/WP Process flowchart