

## **FAST-track to Attendance: Case Examples**

### **Covid-19 Concerns**

**We have a parent who has been refusing to send their child to school after we returned on 8<sup>th</sup> March stating they don't want them to catch the coronavirus. We've explained the risks, signposted them to the government guidance, offered them a supportive meeting in school but they refuse to send the child in. We're not aware of any medical conditions in the family. The parent is demanding we offer online teaching.**

In this instance, if you've tried everything and there is unauthorised absence after 19<sup>th</sup> April 2021 you can move to Step 2 of FAST-track and call a formal SARM (school attendance review meeting). The school should not provide online education as legally the child must attend school. Please refer to the FAST-track to Attendance guidance and paperwork on the webpage:

[www.birmingham.gov.uk/school-attendance](http://www.birmingham.gov.uk/school-attendance)

**In our school we have a child who lives in a multi-generational family where one member of the household (Granddad) is clinically extremely vulnerable to Covid-19. The parents have refused to send her back to school. Should we use FAST-track?**

The concern is understandable, however, everyone who is clinically extremely vulnerable to Covid should have now been double vaccinated. In this instance, the school could refer the family to the school nurse who can liaise with the family and relevant medical professionals to provide advice and guidance to the family on the risks associated with Covid-19. If the child still doesn't return to school after that, and after an Early Help offer, the school can call a SARM.

**A family have taken unauthorised leave in term time for two weeks and have gone to a country where they will have to quarantine for two weeks on their return. As the leave wasn't authorised, can we include mark the quarantine period as unauthorised absence on the registers?**

The period of actual leave should be coded as G on the registers. The quarantine period has to be marked with the X code because, even though the leave was not authorised, the children are unable to return to school as they must conform with Public Health England guidance and quarantine. This period cannot be considered as an unauthorised absence for the purposes of legal action, but the actual period of leave can.

**A family went abroad in May and now say they can't afford to return as the country is on the red list and the whole family have to go to a hotel to quarantine. What do we do?**

If the country was already on the red list when the family took the leave, the parents would have been aware of the need for hotel quarantine and as such this cannot be a legal barrier to the children returning to school. Except for the period of quarantine, which would be code X, if the school did not authorise the leave, the code to use would be code G.

### **Children already receiving support from Social Care**

**I have a pupil who is on a child in need plan and has been for months, but attendance hasn't improved. Do I have to go through Step One and offer Early Help?**

No. Hopefully, concerns about the child's school attendance are on the CP plan, you may need to check. If not, insist it goes on there. It would be beneficial though to capture the voice of the child and ask the child directly using the 'three houses form' why they are not attending school regularly. If the intervention of Birmingham Childrens Trust hasn't resulted in any improvement in attendance after a minimum six week period from when it starts, you can go to straight to Step 2 as long as there is unauthorised absence and following a discussion with the social worker/family support worker.

**One of our children has terrible attendance but is also on a child protection plan. The Social Worker has stated that they are taking legal advice with a view to removing the child from the parent's care. Can we still use FAST-track?**

Generally, yes but if the parent does have the child taken from them you must cease FAST-track. If the child has been removed from the care of the parent, it would be unreasonable to also prosecute the parent for non-school attendance. Continue to liaise with the social worker.

**The social worker has told me that we can't use FAST-track because the child is already on a CP plan. Is that the case?**

You should give the family a minimum of six weeks from the start of any plan with social care to demonstrate significantly improved attendance. After that, if there is no improvement, you can start FAST-track from Step 2 but always speak to the social worker first. You don't need consent from the social worker to use FAST-track, but they may be aware of additional family circumstances that would make legal action inadvisable such as a parent being terminally ill, ongoing domestic abuse etc.

### Early Help

**What do you mean by Early Help?**

Early Help means taking action to support a child, young person or their family early in the life of a problem, as soon as it emerges. It applies to any problem or need that the family cannot deal with or meet on their own. Early Help requires that agencies should work together as soon as a problem emerges or a need is identified to ensure the child gets the right response, and the right services, from the right people at the right time. Poor attendance is often an indicator that a child or family needs help and schools are best placed to identify the problem and offer that early support.

**We don't use Early Help in my school. Does that mean we can't use FAST-track?**

The DfE statutory guidance 'Keeping Children Safe in Education' legally compels schools to use Early Help approaches and Ofsted judge schools on their use of it. If your school does not use Early Help then FAST-track cannot be used but more importantly vulnerable children would not be helped at the earliest stage which is likely to cause more absence and more difficulty for the school in terms of safeguarding, behaviour, progress etc., in the long run.

**I noticed it said in Step One that you can include children who don't have unauthorised absence. I thought you could only prosecute cases of poor attendance where there is unauthorised absence?**

FAST-TRACK is an Early Help process rather than a prosecution procedure. The important thing is that families are supported to improve attendance no matter what the reason for absence. The legal process re. unauthorised absence really starts at Step Two.

**Is there a Designated Liaison Person (DLP) who must do everything, including the Early Help work, or can others in the school become involved?**

It may be that the DSL who has been trained in Early Help undertakes the work in Step One and the school's Attendance Officer takes over the process from Step Two as the DLP. DLPs can use Section 7 of the Early Help Assessment form to frame their informal meeting with the parent. One person can do all the work but it's not necessary as specifics of the Early Help work will not form part of the evidence in an attendance prosecution. The important thing is that the Early Help stage is dealt with effectively.

**What is the 'Vulnerable Children's list?' I've never heard of it.**

Training has been offered to all DSLs on Early Help by the Education Safeguarding Team. Part of the training asks DSLs to compile a list of vulnerable children and included on that list should be children the school is concerned about in terms of attendance.

**We have tried to contact a family to offer Early Help as their daughter's attendance is terrible, but they never respond. We visited the house but there was no reply. Does this mean we can't use the process?**

No. If you have tried to contact the family, including a home visit and phone calls but there is non-engagement you've done all you can do. Early Help is offered right throughout the process in the SARM and Formal Warning Notice. Make sure you have detailed your attempts to contact them and move straight to Step Two.

**In the SARM the parent finally agreed to an Early help Assessment. What do we do now?**

Complete the SARM then put FAST-track on hold and ask the DSL to conduct the assessment. If the parent co-operates and a family plan is agreed, allow at least 6 weeks for the plan to improve attendance. If there is no improvement, or the parent fails to engage with the plan, refer to the FAST-track guidance regarding a Formal Warning Notice.

### Illness Absence

**Letters from doctors - does one letter from a GP cover all absence? When does it become unauthorised?** GPs should not be writing sick notes for children. If you receive a letter from a GP regarding a child's fitness to attend school, please contact ELIT for advice.

**A child in Year 7 has lots of odd days off. The parent is always giving different reasons such as the flu, sickness or tummy ache but always contacts us and sends in notes. It's a lot of absence though. What can I do?**

After three instances of illness absence in a half term, or five in a term, I would call in the parent for an informal meeting. Discuss your concerns with the parent and include any impact on progress or attainment caused by the absences. Offer a referral to the school nurse. If there is no underlying medical condition explain to the parent that you may have to ask for medical evidence in order to authorise future medical absence if matters continue. You may wish to follow up with the helpful medical absence letter in the FAST-track pack if necessary.

### Parents/Carers

**If a pupil lives with Nan and Granddad, not the parents, do we send letters to them and the parents?** Yes, if parents still have contact i.e. not passed legal 'parental responsibility' to grandparents. The grandparents, who have care of the child would also be included.

**The mother lives with her boyfriend but Dad does have contact with the children on Saturday afternoons. Should we include Dad in FAST-track?**

The school would need to be mindful that if the other parent of the children does not live with them can s/he influence their attendance at school? The school would need to identify if Dad regularly contacts the school, does the school run, attends parent's evenings, is listed as a contact for school. If the answer is yes, then include Dad.

### The SARM

**Do I have to send all the letters separately to each parent? I sent the SARM invitation letter out to Mr and Mrs... by mistake?**

The only letter which will be used in evidence in most cases is the Formal Warning Notice and this letter does need to be sent out separately addressed to each parent. In evidence terms, it would also be beneficial to send your SARM invitations out separately to each parent if possible, but the process can continue if you have not done this.

**Is it good practice for the pupil to be present at the SARM?**

We would suggest that secondary pupils attend SARM. With respect to primary pupils, year 5 & 6 pupils may be of a maturity that it would be appropriate, but you would need to make decisions on a case by case basis.

**If DLP is absent on day of SARM, what happens?** You should contact all parents urgently to cancel the appointment and then reschedule at the earliest opportunity

### Formal Warning Notice

**Can the Head teacher sign the Formal Warning Notice to give it more gravitas?**

It would be better if the letter was signed by the same member of staff who called the SARM (the DLP). If the parent pleads not guilty and there is a trial, both the Head teacher and the member of staff would have to attend to give evidence if both had been involved with the case. We try to limit the impact on schools of staff attending Court. If the Head teacher does sign the Formal Warning Notice that is fine but be mindful that two staff members may then be called to give evidence.

**We made a mistake and sent the Formal Warning Notice to 'Mr and Mrs'. Should we send it again? Surely it doesn't make much difference?**

I'm afraid it will be inadmissible in terms of evidence. The formal warning notice is the only letter we use in evidence and must be addressed individually to each parent as stated in the guidance.

### Further unauthorised absence after FAST-track completed

**What do we do if we go through the whole process; attendance improves after the Formal Warning Notice has been issued but then a few weeks later starts to deteriorate again? Do we have to go through Step One again?**

It depends how long it's been since Early Help was offered. If it was offered within six months or less, then you can proceed directly to Step Two. Bear in mind that an Early Help offer is now made in the Formal Warning Notice. However, if it was longer than six months ago, you will need to offer it to them and start the process again from Step One as the parents may have changed their minds about accepting help.

### Reception Children

**We have a Reception child with poor attendance. She turns five on 1<sup>st</sup> April next year. Can we use FAST-TRACK to help improve her attendance?**

You can certainly use Step One, but she won't be of compulsory school age until Year 1 so Steps Two, Three and Four cannot be used until the next academic year. There is advice re; compulsory school age in the full FAST-track and LITT guidance.

**For Steps Two and Three, can we include unauthorised absence from before a child becomes of compulsory school age?**

No I'm afraid not. The unauthorised absence can only be used if it was accumulated whilst the child was of compulsory school age.

### Special Schools/Alternative providers

**We are a special school/alternative provider. Is there a special legal process for us to use?**

'FAST-track' can be used for all pupils of compulsory school age, regardless of what type of provision they attend.

**We have a year 12 student who is refusing to attend school. The parents don't seem to care. Can we use FAST-track as his EHCP says he has to attend school until he turns 18?**

I'm afraid not. Legally parents only must send their child to school until the last Friday in June of the academic year they turn 16. After that it is the young person's responsibility to ensure they are in education, employment or training but there is no legal recourse if they are not.

### Miscellaneous

**I submitted a Fast-track referral. I don't have to do anything further now do I?**

You should send us any updates that are relevant to the child's attendance. This could be offers of Early Help that have been made since the referral was submitted, further meetings with parents, etc. If you're not sure, contact us to check if the information is something that we might require. When cases progress to trial, we ask schools for case updates and a history of support offered. It is vital that accurate information is provided to us.