

‘Support First’

School attendance framework and guidance

Education Legal Intervention Team

Attendance and Inclusive Pathways Service

Birmingham City Council

September 2025



0

OFFICIAL

 **RESET**

 **RESHAPE**

 **RESTART**

Contents

Chapter		Page Number
1	Introduction	3
2	Listen, understand and facilitate support <ul style="list-style-type: none"> • Early Help including the voice of the child • Illness absence • Child Mental Health and attendance • Emotionally based school avoidance/non-attendance (EBSA/EBSNA) • Children and Young People with Education, Health and Care Plans (EHCPs) • Mobile children • Children in temporary accommodation • Part-time/reduced timetables • Transport • Facilitate Support Escalation flowchart 	06 09 13 16 18 20 22 23 24 25 26
3	Formalised Support <ul style="list-style-type: none"> • Formal attendance meeting (FAM) • Attendance contract • The post FAM letter • Notice to Improve (only where appropriate) 	27 29 29 31
4	Enforcement <ul style="list-style-type: none"> • Referral to ELIT 	34
5	Outcomes	36
6	Parents with previous convictions	37
7	Support First – quick guide	38
8	Legal Definitions	40

9	Referral checklist	41
---	--------------------	----

‘Support First’

1. Introduction

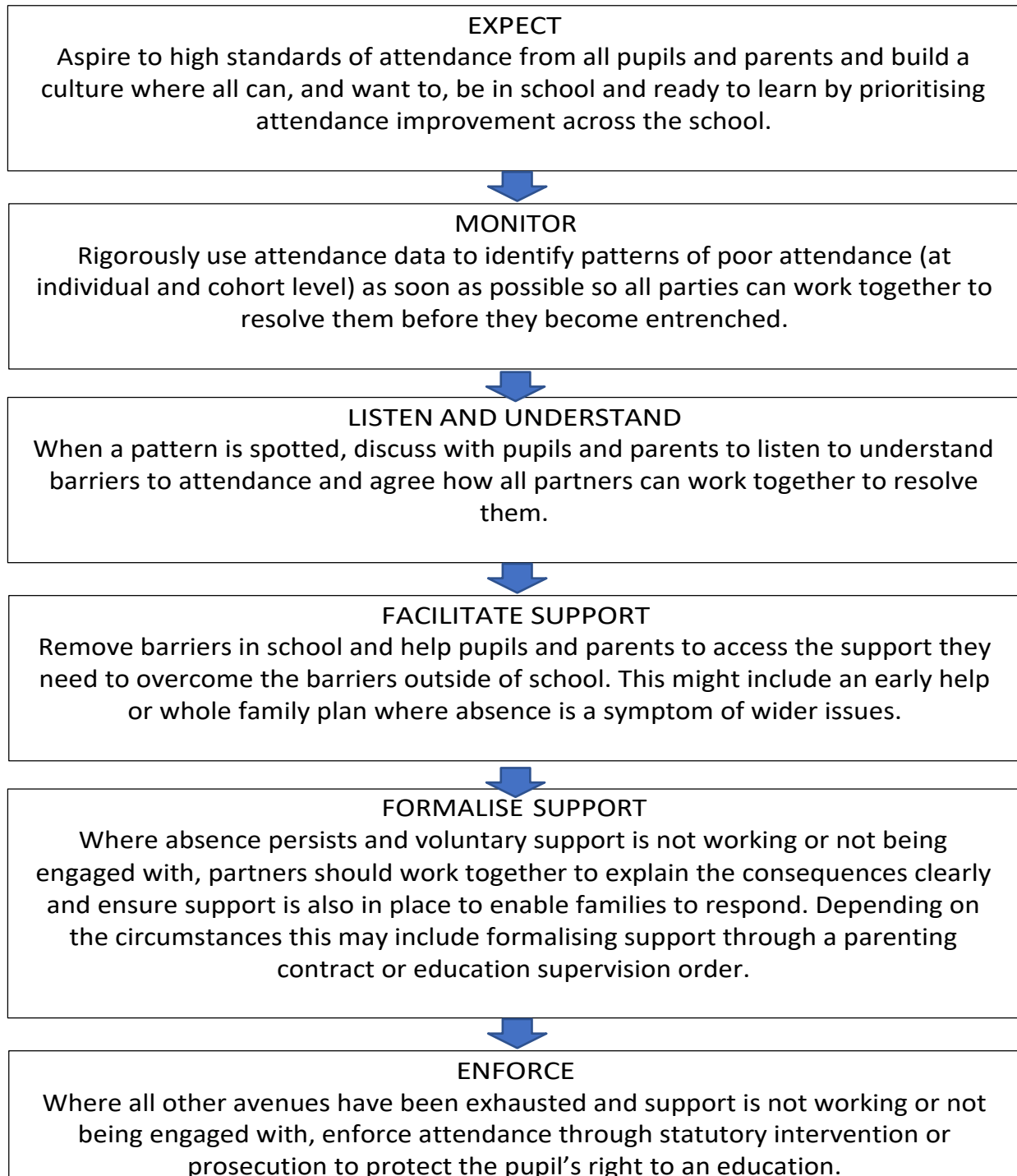
- For the most vulnerable pupils in our city, schools are an important protective factor and the best opportunity for needs to be identified and support provided. When they are absent from school, they are less visible. Research has shown associations between regular absence from school and a number 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).
- Good attendance is also essential for children to get the most out of their education, including their attainment, wellbeing and wider development. 2018/19 attendance and attainment data shows that 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 9 to 4. 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%): [The link between absence and attainment at KS2 and KS4, Academic year 2018/19 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](#)
- ‘Support First’ is based on the expectation outlined in the statutory guidance ‘Working together to improve school attendance’ that schools, academies, alternative providers, independent schools and agencies should support pupils and parents by working together to address any in-school barriers to attendance:
[Working together to improve school attendance - GOV.UK \(www.gov.uk\)](#)
- It does not apply where support isn’t applicable such as in cases of unauthorised leave in term time. In those instances, please use the ‘Leave of Absence (Legal) Process’ which is Chapter 8 of the ‘Leave of Absence for Exceptional Circumstances’ guidance.
- Good attendance starts with close and productive relationships with parents and pupils, set within a culture of belonging and support. 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 working in partnership 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 alongside and supports the family and wherever possible the person should be kept consistent.

- All children of compulsory school age are entitled to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school.
- Where parents decide to register their child in school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.
- 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 at the earliest opportunity.

IMPORTANT: Support First 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 still offer early help and support families as required.

- 'Support First' reflects the model of attendance intervention outlined in 'Working together to improve school attendance' where all partners should work together to...



2. Listen, understand and facilitate support

- This is the most important stage of helping children and families and the principles should be used in all cases of concerning levels of absence from school. They are also key to supporting families where there are other difficulties including where children are at risk of exclusion.
- Building positive and understanding relationships with parents and children are key to improving attendance. Ensuring the school's culture facilitates a sense of belonging for the child and parents and ensuring appropriate support is offered where needed is crucial.
- Children whose parents regularly take them out of school for holidays to help the family cope with difficult family difficulties should also be offered support. This isn't something that is necessary in most cases of unauthorised leave of absence, but as a coping strategy, vulnerable children missing school for a holiday or spend time with relatives in term time is not lawful or appropriate and could cause additional stress in the long run for the child.
- Offering support such as early help to families should not be seen as a box to be ticked for legal purposes but should reflect the very soul and culture of the school.
- The staff member with operational responsibility for attendance should work together with the DSP/DSL in determining the correct Early Help response.

IMPORTANT: Where there is evidence of 'emotionally based school avoidance/non-attendance' (sometimes incorrectly referred to as school refusal) please go to the relevant section on page 18 and consult [#you'vebeenmissed](#)

- 'Working together to improve school attendance' advises that where absence becomes problematic, schools should draw on those positive relationships with parents and listen to and understand the barriers to attendance the pupil or family is experiencing. They should understand the importance of school as a place of safety and support rather than reaching immediately for punitive approaches and offer support accordingly.
- 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.

- Promoting a culture of belonging and partnership in the school to enable support to be offered to families where there may be difficulties, including poor attendance. The support schools must offer includes:
 - Talking to children - completing the 'The Signs of Safety Framework' (three houses) form with the child (Section 6 of the Early Help Assessment form) and **acting on any worries they may have**. This would also help determine if a full early help assessment is required.
 - Welcoming parents/carers into the school - inviting parents/carers to come to an informal supportive meeting to and offering an early help assessment as appropriate (Section 7 of the Early Help Assessment form will help determine if a full assessment is needed). Where parents don't or can't attend a meeting in school, visiting the family at home (unless there are already concerns about staff safety, in which case phone calls at the very least).
 - Joined up support:
 - ✓ ensuring other practitioners already involved with the family, such as social workers, family support workers, or early help workers are included in any discussions, planning or target setting related to school attendance and that improving attendance is included in any formal plans.
 - ✓ where the child has an EHCP, ensuring the plan has been reviewed as part of the school's obligations outlined in the SEND Code of Practice (at least annually) to ensure that the provision is suitable to meet their needs (unless the initial EHCP has been issued within the last year).
 - ✓ ensuring children with SEND needs or a SEND provision plan have their needs regularly reviewed ensuring they are met.
 - Removing other barriers
 - ✓ 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)

- ✓ Providing the appropriate support where there are high levels of illness absence
- ✓ Addressing any other barriers to good school attendance including child mental health; homelessness; caring responsibilities etc.

IMPORTANT: 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

- 'Working together to improve school attendance' identifies that effective early help relies upon local agencies working together to identify children and families who would benefit from support, undertaking an early help assessment and providing targeted services to address those needs to significantly improve outcomes.
- All agencies have a responsibility to deliver early help in line with Birmingham Safeguarding Children Partnership (BSCP) agreed Layers of Need as set out in ['Right Help, Right Time'](#) and consistent with [Birmingham's Early Help Strategy](#).
- A holistic approach to early help must include capturing the voice of the child, otherwise an assessment would be incomplete and could be missing information vital to supporting the family, or even safeguarding the child.

The voice of the child

"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](#)
- The best resource available for ensuring the voice of the child is heard is the three houses (or three columns for older children) form which you find as section 6 of the Early Help Assessment form or you can download here: [Signs of Safety and Wellbeing Practice Framework - Birmingham Safeguarding Children Partnership \(lscpbirmingham.org.uk\)](#)

- It's less about form filling and more about giving the child their own space so they feel safe to share what's going well for them but also any worries away from. It's not enough to speak to the child as part of a group, they must be given their own space.
- Completing the three houses form should be facilitated by someone appropriately trained. **The staff must ensure they act on any of the child's worries** 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: where schools need support or guidance on using the three houses form with children, please contact your Early Help Coordinator who will be happy to provide training or assistance.

Informal meeting with parents/carers

- All parents/carers, where attendance is a concern, must be invited to an informal meeting at the school. Where there are social workers, family support workers or early help workers, they should also be invited. During the meeting, schools can use Section 7 of the early help assessment form as a format to discuss barriers to attendance where there isn't already a Birmingham Childrens Trust/Pathfinder Service working with the family.
- In a minority of cases, where the parents concerned have a history of posing a safety risk to school staff, phone calls or an online meeting offer is acceptable.
- As well as completing Section 7, schools should also signpost parents to other sources of help and support such as the Birmingham Family Hubs which are expanding across the city. More information, including whether a Family Hub is available in your area can be found here: [Family Hubs | Birmingham City Council](#)
- 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 if you are not sure which early help response is appropriate: [Birmingham Children's Partnership Resources](#))

IMPORTANT: Where parents actively refuse early help, remember to still ensure the voice of the child is heard if they are attending school, even if the attendance is sporadic. Make sure the school acts on any issues raised but if there is then unauthorised absence move to the 'Formalised Support' approach.

- 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:
 - initiate simple reasonable adjustments to address the child/young person's unmet safeguarding needs
 - develop a school focused action plan with child/young person, parent/carers as appropriate
 - ***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: 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 the intervention 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 the Formalise Support stage after informing the allocated worker of the intention. If you are not sure, or the allocated BCT officer disagrees, please contact the ELIT for advice: attendance@birmingham.gov.uk

Initiate a multiagency Early Help Assessment (EHA) & Our Family Plan (OFP)

- If an Early Help Assessment is the outcome of the discussions with the parents and children, it must be offered. Parents may have some concerns about what an assessment entails and there is more information for parents here: [What is Early Help Assessment? | What is the Early Help Assessment? | Birmingham Children's Trust \(birminghamchildrenstrust.co.uk\)](https://www.birminghamchildrenstrust.co.uk/what-is-early-help-assessment/)
- Any parents where legal action is a possibility must be offered a full early help assessment. You can find more details about Early Help Assessments here or please contact your Early Help Coordinator who will guide you through it: [Early Help Assessment and Our Family Plan - Birmingham Safeguarding Children Partnership \(lscpbirmingham.org.uk\)](https://www.lscpbirmingham.org.uk/early-help-assessment-and-our-family-plan/)

Illness Absence

- Children/young people may have health/medical needs which require support at any time whilst they are in education. These may be both short and long-term physical health needs or mental health needs; and there is a range of circumstances where their health needs can and should be managed by the school so that they can continue to be educated there without the need for the intervention of the local authority. The NHS has produced helpful guidance on when a child may be too ill to attend school – [Is my child too ill for school? - NHS](#)

Children with known medical conditions

- Children and young people with medical conditions should be properly supported so that they have full access to education. Governing bodies must ensure that arrangements are in place in schools to support pupils at school with medical conditions in accordance with the 'Supporting pupils at school with medical conditions' Statutory Guidance 2015'. [Supporting pupils with medical conditions at school - GOV.UK \(www.gov.uk\)](#)
- This includes having clear school policies for supporting pupils with medical conditions and ensuring these pupils can access and enjoy the same opportunities at school as any other child. Schools also need to be aware of their responsibility to support mental health needs.
- Parents also have a vital role to play, and schools should have a publicly accessible policy that sets out how schools will support children with health needs including a named person who can be contacted by the Council and by parents. Regular communication should be maintained between a named member of school, the child, and parents/carers to promote engagement and welfare, monitor progress and any safeguarding concerns. Schools should also ensure that children and young people and their parents/carers successfully remain in touch through school newsletters, emails, and invitations to school events.
- There will be a wide range of circumstances where a child has a health need but will receive suitable education that meets their needs without the intervention of the Council – for example, where the child can still attend school with some support; where the school has made arrangements to deliver suitable education outside of school for the child; or where arrangements have been made for the child to be educated in a hospital by an on-site hospital

school. In these cases, the Council would not need to arrange any additional education, provided it is satisfied that the child is receiving suitable education.

- Where children regularly miss school due to medical conditions that are poorly managed at home, or where medical appointments related to those conditions are often missed, this could indicate a safeguarding risk for the child. For example, children with asthma or diabetes will have regular attendance if their conditions are appropriately managed. In such circumstances, if there is a social worker/family support worker/early help worker from Birmingham Children's Trust already working with the family, please alert them of your concerns immediately. If there are no services working with the family, you should refer to 'Right Help, Right Time' and make a request for support to CASS.
- For more information on supporting children with health needs, please see the link to Birmingham City Council's Section 19 policy:
[Section 19 policy | Birmingham City Council](#)

Children without known medical conditions

- School absence due to minor childhood illness is common and to be expected. In 'Working together to improve school attendance', the Department for Education states: *'Schools are not expected to routinely request that parents provide medical evidence to support illness absences...In the majority of cases a parent's notification that their child is too ill to attend school will be that evidence and can be accepted without question or concern. Only where the school has genuine and reasonable doubt about the authenticity of the illness should medical evidence be requested to support the absence'*.
- 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 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. **Schools should also ask the parent to take the child to see their GP to rule out any underlying medical conditions which could be contributing to the high levels of illness absence.**

- During the informal 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.

IMPORTANT: If consent is granted, please allow the school nurse to complete their intervention before moving onto the 'Formalised Support' stage 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: [Attendance procedures for schools | School attendance advice for schools and professionals | Birmingham City Council](#)
- 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

Child mental health and attendance

- The Department for Education has published extensive guidance relating to Mental health issues affecting pupil's attendance and there is published guidance and effective practice examples to assist schools in this regard, *'Mental health issues affecting a pupil's attendance: guidance for schools'*: [Mental health issues affecting a pupil's attendance: guidance for schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/mental-health-issues-affecting-a-pupil-s-attendance-guidance-for-schools)
- In the summary of responsibilities related to mental health issues, the DfE states: *'Many children will experience normal but difficult emotions that make them nervous about attending school, such as worries about friendships, schoolwork, exams or variable moods. It is important to note that these pupils are still expected to attend school regularly.'*
- Schools are advised to communicate any mental health concerns to parents as quickly as possible and work together with them to ensure that the concerns do not escalate into serious barriers to regular attendance. Reasonable adjustments should be agreed with parents, taking into account the school's wider safeguarding responsibilities as outlined in *'Keeping Children Safe in Education.'* [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/keeping-children-safe-in-education)
- As part of any plan to support the child to attend well, schools should facilitate relevant pastoral support. This should be done with the clear aim of improving attendance as much as possible while supporting the underlying mental health issue.
- Schools may wish to refer to the Ordinarily Available Guidance document for advice on supporting young people with SEND and SEMH needs in school. [Birmingham Local Offer Ordinarily Available Guidance](#)
- Any plan to help the child to attend well may also involve making referrals to in-school or external professional support, and schools should be supportive where parents/carers feel the child needs to visit a health professional in relation to a mental health concern, such as the family GP. Schools should consider additional pastoral care inputs for pupils, including any support that can be offered by the pupil's most trusted adults in school, and where appropriate making referrals to other services. This might include community groups, counselling services, psychological practitioners, Mental Health Support Teams (where available) or wider Forward Thinking Birmingham services.
- School staff can seek advice from the Mental Health Support Teams as to whether a referral would be appropriate, or whether needs can be better

support via signposting to other services. This ensures timely access to the right service.

- Any professional workers supporting a pupil with a mental health or emotional issue should maintain the same ambition for the attendance of the child as the school, maximising in-person learning where possible.
- The DfE guidance is clear that where support is offered but not engaged with, and where all other options have been pursued but not engaged with, more formalised support and/or legal enforcement of attendance is an option which should be considered but very much as a last resort.

Emotionally Based School Avoidance/Non-attendance (sometimes incorrectly termed as school 'refusal')

- Where parents are engaging with the school, but the child appears reluctant to attend, legal action, including penalty notices, are inappropriate. The threat of legal action parents and children in this situation sometimes experience 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 can consider if a consultation with the STICK team would be beneficial. Where a school is enrolled onto an MHST service, MHST can offer consultation in place of STICK. [#you'vebeenmissed](#).
- STICK and MHST are early mental health services delivered by Forward Thinking Birmingham. MHST are embedded into specific schools and can offer a whole school approach cultivating a mental health friendly learning environment. MHST offer consultation to school professionals. MHST support young people with emerging mild and moderate mental and emotional health issues. STICK support young people whose mental and emotional health issues may be more complex. This can include young people aged 5- 18 years who are missing from education including children not on roll or home schooled. Both have clinically trained staff that can support young people, parents and carers and teachers. Both services can support referrals into secondary care CAMH Services if young people require this level of support.
- 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
- You can find additional resources via the Breathe Education website [Breathe Education website](#)
- For young people aged 11 to 25 there are also forums, guidance and counselling available free of charge from Kooth: [Home - Kooth](#). Forward Thinking Birmingham also offer a drop-in service for young people aged 0-25 years, parents/carers and professionals who need advice and support for common mental and emotional health issues.
- 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 an EHCP

- Children/young people with an EHCP can miss school for a variety of reasons but one of the most common relates to health needs.
- If a child/young person with an EHCP experiences health difficulties which impact their attendance, their setting should involve appropriate external professionals who can provide advice and support to settings such as:
 - SEND advisory teams e.g. Pupil and School Support (PSS), Communication and Autism Team (CAT), Physical Difficulties Support Service (PDSS).
 - Educational Psychology Service (EPS).
 - Health Services e.g. School Nursing Service, Forward Thinking Birmingham.
 - Social Care.
- Referrals to appropriate external professionals must be made in a timely manner and the school must work together with those services to deliver any subsequent support. The setting must also inform the child/young person's SEND Case Officer with the Special Educational Needs Assessment and Review Service (SENAR) so SENAR can then support and advise the setting. It may be appropriate for settings to request an early annual review is held where there has been a change in the child/young person's needs and the provision they require.
- If a child of compulsory school age with an EHCP is unable to access their educational setting due to illness for 15 days or more, whether consecutive or cumulative, their educational setting must notify the Council's named officer responsible for the education of children with additional health needs and the SEND Case Officer in SENAR. Any arrangements for alternative provision will need to be done in consultation with SENAR considering the child's identified SEND and the special educational provision they require as outlined in their EHCP.
- In a minority of cases, parents may dispute that their child's health or medical needs have been met, or children may be absent from school for other reasons. Where the school believes child/young person's health and education needs have been met as above but the child is still not attending

school regularly, schools are advised to contact ELIT for advice:
attendance@birmingham.gov.uk

Mobile Children

- 'Working together to improve school attendance' defines a mobile child as a child of compulsory school age who has no fixed abode and whose parent(s) is engaged in a trade or business of such a nature as to require them to travel from place to place.
- Where a mobile child and their parent/carer(s) are travelling for the purposes of the parents' work which means the child is absent from school, code T should be used. However, the parent/carer must have sought authorisation from the school prior to travel and the school must ensure the child has access to at least 200 sessions of school attendance over the academic year before the absence can be authorised.
- To help ensure continuity of education for mobile children, when their parent/carer(s) are travelling for occupational purposes, it is expected that the pupil should temporarily attend a school where their parent(s) is travelling and be dual registered at that school and their main school. Main school in this context means the school that, during the last 18 months, the child has attended during periods when their parent was not travelling in the course of their trade or business, or, if there is more than one school that fits that description, the school that most recently fulfils those criteria.
- Where the leave requested is not for occupational purposes (such as visiting family abroad) or is more than what can be agreed, school should follow the appropriate attendance framework, including enforcement as necessary.
- The Department for Education have published a factsheet to assist schools which can be found on the webpage.

[Attendance procedures for schools | School attendance advice for schools and professionals | Birmingham City Council](#)

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.
- If the family have been placed at a temporary address such as in a house or flat (or even in a refuge where the family have a flat and indicate that the school places are not needed); the accommodation is beyond a reasonable distance to get to the school; and the child has ceased to attend, the child can be taken off roll under the 'reasonable distance' rule. Please see the guidance on deletion from roll which can be found here: [Deletion \(removal\) from roll | Pupil attendance, advice for schools and professionals | Birmingham City Council](#)
- The Department for Education have published a factsheet related to children in temporary accommodation which can be found on the webpage:
[Attendance procedures for schools | School attendance advice for schools and professionals | Birmingham City Council](#)

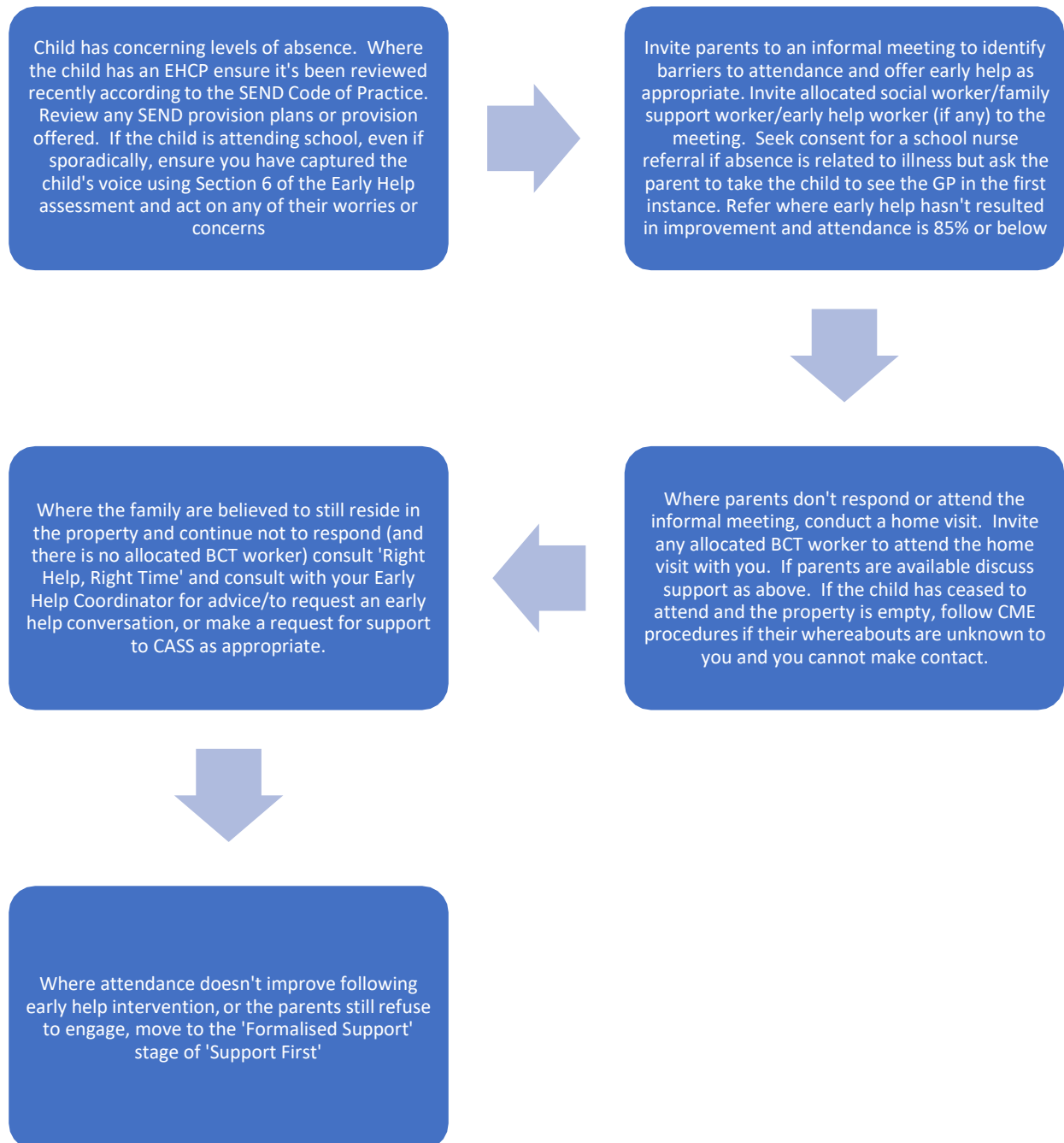
Part-time/reduced timetables

- 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.
- In situations where a part-time/reduced timetable is being used for an extended period; as a strategy to manage behaviour; or to prevent an exclusion, formal enforcement action for poor attendance may not be possible. Please contact ELIT for advice in these circumstances:
attendance@birmingham.gov.uk
- Schools must also notify the local authority 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 or reduced timetables | Pupil attendance, advice for schools and professionals | Birmingham City Council](#)

Transport

- Parents have a statutory defence if their children have poor attendance at school because the local authority were under a duty to provide transport to the school and failed to do so.
- Schools must ensure that where the home to school distance is more than 2 miles for children up to 8 years, or 3 miles for children aged 8 and over, parents can apply for travel assistance, though they are unlikely to receive assistance if they chose the school despite nearer school places.
- Where children are entitled to transport assistance, but the parents are unhappy with the provision offered, the children must attend school whilst the parents appeal the offer made if that is what they chose to do.
- Where parents are refusing to send their children to school because they disagree with the offer made, absences should be marked as unauthorised and early help offered via an informal meeting related to poor attendance.
- Where the local authority has a duty to provide transport but hasn't yet done so the correct registration code is Q.
- Where the transport normally provided is not available the correct registration code is Y1.

Facilitating Support flowchart



3. Formalised Support - The Formal Attendance Meeting and attendance contract

Where a child of compulsory school age 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) or early help/social care strategies have not resulted in sustained attendance improvement, schools are encouraged to move to more formalised support arrangements.

IMPORTANT - Do not move to this step if you have not offered Early Help to the family within a calendar year or have not attempted to capture the voice of the child as part of your Early Help response. Please re-visit the 'Facilitate Support' stage as the referral will not be accepted.

Formal Attendance Meeting (FAM)

- When the school has done all it can to improve attendance using informal meetings and offering early help and support, the school attendance officer should call a 'Formal Attendance Meeting' at the school. Schools are advised to use the templated invitation letter. [Formal Attendance Meeting \(FAM\) Invitation letter | Birmingham City Council](#)

IMPORTANT: The attendance staff involved in the case throughout should be the member of staff to conduct the meeting, agree an attendance contract and send the post FAM letter if needed.

- The parents/carers should be invited to the meeting by the attendance officer separately, in writing, and with at least 7 days' notice, using the same process as indicated for the post FAM letter, 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 – and please make sure the children included are of compulsory school age).

IMPORTANT: You will need to demonstrate that you have given reasonable notice for the FAM, preferably at least 7 days' written notice. You must use the invitation to a FAM letter, (and the 'rearranged FAM' letter if appropriate) which can be found in the online pack. The letter may be used in evidence.

- 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 but must be held in person so that the attendance contract can be signed.
- 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 FAM form, including the signed attendance contract, at the end of the meeting. [FAM proforma and attendance contract | Birmingham City Council](#)
- The school must then send each parent/carer a post FAM letter (PF1) with a copy of the completed form and a copy of the signed contract.
- The letter should be addressed to each parent/carer individually using the instructions outlined on page 29.

When parents do not attend the FAM

- If the parents/carers do not attend but request a new date, please rearrange the meeting, using the 'rearranged FAM' letter. [Rearrange FAM letter | Birmingham City Council](#). **However, please do not rearrange more than twice.** If they still don't attend, please send the appropriate 'did not attend' post FAM letter (PF2).
- If the parents/carers do not attend and don't request a new date, please offer them at least one further date using the 'rearranged FAM' letter. If they still don't attend, please just send the appropriate 'did not attend' post FAM letter (PF2).
- If the parents/carers inform you that they will not attend a FAM, please send the 'did not attend' post letter and delete the sentence related to rearranging the meeting.
- The FAM pro-forma 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, unless early help support has already been offered within the academic year. Where offered, if the parents/carers then refuse to attend the assessment, continue the process. 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.

Attendance Contract

- At the conclusion of the FAM, the attendance contract should be completed.
 - The school must ensure that the contents of the contract are agreed and signed by both parties at the end of the meeting. If the parents/carers refuse to sign the contract, the appropriate post FAM letter should be sent (PF3). Without the signature of the parents/carers, no contract exists and the school does not have to stick to the actions verbally agreed.
 - **Where parents do not attend the FAM, no contract exists and neither the form nor contract have to be completed by the school.**
 - The school should review whether there has been any improvement in attendance at least halfway through the agreed contract term (usually 10 weeks) in terms of whether the parents/carers or even the school are complying with what's been agreed. If the parents/carers haven't complied with the contract schools are encouraged to contact parents and invite them to revisit the contract but this is not mandatory.
 - If the parents/carers indicate early on within the term of the contract that they are unable to comply with what's been agreed, another FAM should be called and the contract amended if appropriate, but this can only be offered once.
 - If the parents/carers are offered another FAM to discuss the contract further but don't attend, the school should monitor the child's attendance and consider next steps

IMPORTANT: If the school have agreed to complete actions as part of the contract, those actions must be carried out. Where schools have not carried out what's been agreed, the school will not be able to refer to ELIT for enforcement if attendance doesn't improve.

The post Formal Attendance Meeting (FAM) letter

- The school must use one of the post FAM letters to send to the parents/carers after the FAM has taken place or was scheduled/rescheduled to take place.
- The letters are:

- PF1 – ‘Thank you for attending’ letter which must include a copy of the signed attendance contract and a ‘legal information’ leaflet. This letter is for parents who attended either an initial or rescheduled FAM.
- PF2 – ‘Did not attend’ letter which must include a ‘legal information’ leaflet. This letter is for parents who did not attend an initial or rescheduled FAM.
- PF3 – ‘Refused to sign an attendance contract’ letter which must include a legal information leaflet. This letter is for parents who attended a FAM but refused to sign an attendance contract.

[Attendance procedures for schools | Pupil attendance, advice for schools and professionals | Birmingham City Council](#)

- Only one of these letters can be used 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.
- If only one parent/carer attends the meeting but two were invited, send the PF1 or PF3 to the parent who attended as appropriate and offer a rearranged FAM to the parent who didn’t attend. Send the appropriate post-FAM letter depending on whether that parent then attends.
- 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 attendance officer working with the family – you can use electronic signatures (this would be a scan of your signature) but letters **must not** be signed by others on behalf of the relevant attendance officer (p.p.).
- Enclose an up-to-date attendance printout, a copy of the signed attendance contract if any, and a copy of the ‘School Attendance (Legal Action) - Information for Parents’ leaflet.
- The attendance officer 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!
- If the attendance contract has been revised by the parents/carers following an additional FAM, please send a follow up post FAM letter and revised contact.
- The school should now monitor the child's attendance. If the child subsequently has 10 sessions of unauthorised absence within a 10-week period after the post FAM letter has been sent the school must then decide what action to take. An additional two days' allowance for postage should have been factored into the time period.
- Do not wait for 10 weeks if the threshold is reached earlier! If, after the monitoring period, the pupil has further unauthorised absence but not enough to move to enforcement, the parents should be invited back into school for an informal meeting unless the absence is due to at least 5 days of unauthorised leave in term time. In that instance, please use the 'Leave of Absence (Legal) Process'.
- For first offences (where there has been no previous penalty notices or legal action taken), where there are now 10 sessions of unauthorised absence since the post FAM letter was sent and a penalty notice may be applicable, schools can now issue a 'Notice to Improve'. If the child has serious levels of unauthorised absence and the school do not believe a Notice to Improve would be of help, or where there have been previous penalty notices/legal action taken, please move to the enforcement stage.

Notice to Improve

- A 'Notice to Improve' is a legal document and a final opportunity for a parent to engage in support to improve attendance before a penalty notice is issued as outlined in the National Penalty Notice Framework.
- For first time offences (where there have been no previous penalty notices issued or legal action taken), where there are now 10 sessions of unauthorised absence since the post FAM letter was sent and a penalty notice may be applicable, schools can now issue a 'Notice to Improve'.
- **A Notice to Improve can only be used after early help and formalised support has been offered as detailed in this guidance and then only where the threshold of 10 sessions of unauthorised absence within a 10 week period has been met. It cannot be used for 'leave of absence' cases.**

- The Notice to Improve gives parents/carers 6 weeks to improve attendance. If, within that 6-week period there is any unauthorised absence the school can refer to ELIT.
- To complete the Notice to Improve, parents'/carers' full names only should be used, not 'parent/carer of' or 'Mr and Mrs'. Notices must be issued to each parent individually. The names of all the children of compulsory school age in the family that have been included during the process can go on each letter (i.e., do not send separate letters re. each individual child). The Notice to Improve must be signed by the attendance officer working with the family – you can use electronic signatures (this would be a scan of your signature) but letters **must not** be signed by others on behalf of the relevant attendance officer (p.p.).
- Enclose an up-to-date attendance printout, and a copy of the 'School Attendance (Legal Action) - Information for Parents' leaflet.
- The attendance officer 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 Notices to Improve were posted, and the precise details of names and address they were posted to should also be kept.
- Notices to Improve must be sent by first class post. **DO NOT SEND LETTERS VIA RECORDED DELIVERY** – parents/carers can refuse to accept them!
- The school should now monitor the child's attendance for 6 weeks. Move to the 'enforce' stage if the child subsequently has any sessions of unauthorised absence within a 6-week period after the Notice to Improve has been sent. Please allow two days for postage.
- Do not wait for 6 weeks if the threshold is reached earlier! If, after the monitoring period, the pupil has further unauthorised absence but not enough to move to enforcement, the parents should be invited back into school for an informal meeting unless the absence is due to at least 5 days of unauthorised leave in term time. In that instance, please use the 'Leave of Absence (Legal) Process'.
- If there is no further unauthorised absence in the 6-week period covered by the Notice to Improve, the school should consider writing to the parent to advise them that there will be no further action and to congratulate them on the

improvement. The school should also consider rewards for children to recognise the improvement in attendance.

4. Enforcement - Referral to ELIT

Schools should only refer to ELIT when the child has a minimum of 10 further sessions of unauthorised absence (not including N codes) since the post-FAM letter and contract was sent (in terms of being 'reasonable' include at least two days for postage); or the 10 sessions threshold as above was met and a Notice to Improve has been issued with subsequent further unauthorised absence within the 6 week notice period.

Please note: referrals will not be accepted if one of these criteria are not been met.

IMPORTANT: 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 the 'facilitate support' stage as the referral will not be accepted.

- Schools should complete a 'Support First' referral form online **no later than six weeks after one of the thresholds above has been met or the referral may not be accepted.**
- The referral form asks for specific information which you should have ready to answer. The information requested will include:
 - The date the informal meeting was offered and the outcome of that meeting.
 - The date Section 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.
 - We will also require explanations for when registration codes B, C, C2, K, Q, D, E, or any of the Y codes were used at any time during the

intervention period (this information can be inputted directly onto the online referral form).

IMPORTANT: 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. If it is clear that the school have not offered Early Help or have only offered it by letter, the referral will not be accepted.

The 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 the following (please do not send anything not on this list to limit file sizes. Additional evidence may be requested from you at a later point):
 - a direct copy of the signed FAM invitation letter
 - a direct copy of the completed FAM pro-forma with the Parent/School Contract attached. **This does not need to be attached if the parents did not attend the FAM.**
 - a direct copy of the signed Post FAM letter, legal information leaflet and attendance contract which would have been sent to the parents and included a copy of the child's attendance printout
 - a direct copy of the 'Notice to Improve' if sent
 - 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

IMPORTANT: If there has been no further unauthorised absence, or less than 10 sessions within the 10-school week monitoring period, the process has been successful. If the pupil has further unauthorised absence within the term after the 10-school week period has ended, the parents should be invited back into school for an informal meeting and the school should call another FAM.

5. Outcomes

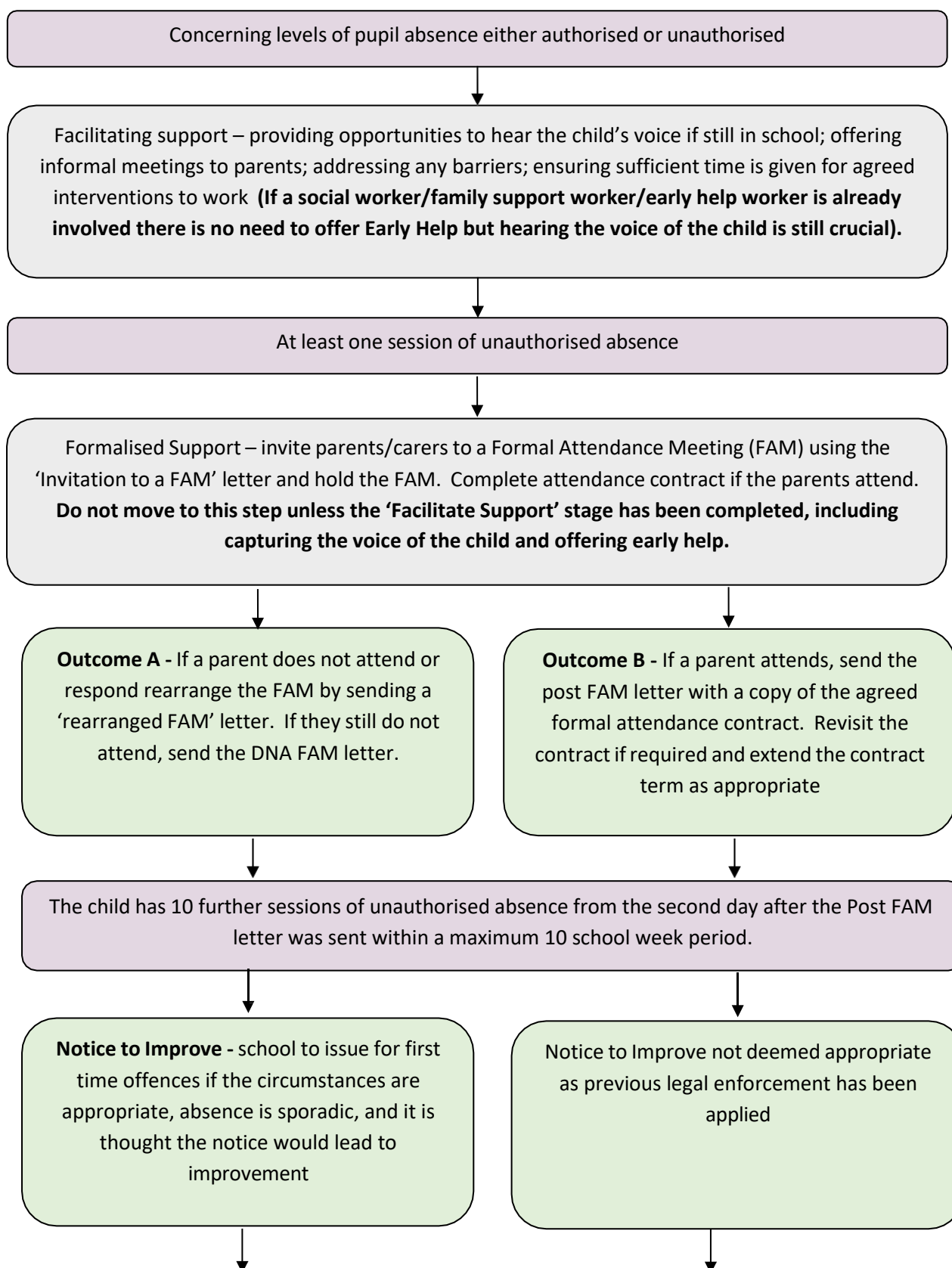
- On receipt of the referral ELIT will review the evidence provided and may contact the school with any queries. **It's important to ensure that everything requested is sent with the referral as in peak times, ELIT may not have the capacity to request what is missing. In those circumstances, the cases will be marked for no further action.**
- Where school staff don't respond to the queries in a timely manner, the referral may be closed and also marked as 'no further action'. ELIT will make every effort to contact the staff involved before making that decision if capacity allows.
- If the family is working with a social worker/family support worker/early help worker, the officer concerned will be contacted to ask for their opinion as to any legal action which may be taken and to request information as to their role in improving attendance.
- If ELIT accepts the referral and decides that action in some form is warranted, the officer will decide on one of the following options;
 - give the parent/carer the opportunity to discharge the offence by paying a penalty notice if it is a first or second offence and the level of absence is not at the level warranting immediate prosecution;
 - pass for direct prosecution as the level of absence is of sufficient concern to warrant a referral to the Magistrates Court, or at least two penalty notices have been issued previously in relation to that particular child.
- ELIT will send an email to the school notifying staff of the outcome of the referral.
- Where the referral has not been accepted, an email will be sent to notify the school of the decision and provide ongoing advice as to how to move forward from that point.

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

- Even when a child has been referred to ELIT, the school's legal responsibilities related to poor attendance and safeguarding do not change and efforts to try to engage the family to improve attendance should continue.
- Where parents have received penalty notices or have been prosecuted under section 444 of the Education Act 1996, the steps outlined in the Support First framework are still applicable. ELIT has a database which contains all previous prosecutions and penalty notices so we will be able to determine the specific course of action required should a referral related to the same parents and the same child is received. In a minority of cases we may ask you to complete some additional steps if needed.
- We would also advise schools to keep their own records of referrals and action taken as ELIT may not have the capacity to provide this if requested.
- If you are working with a family in any of the above scenarios and are not sure how to proceed, please contact the Education Legal Intervention Team for advice via:

Email: attendance@birmingham.gov.uk

7. 'Support First' Quick Guide (please refer to the full guidance)



Enforce - Refer to ELIT via online form as soon as the child has 10 sessions of unauthorised absence after the FAM and/or 6 further sessions if a Notice to Improve has been used. Do not move to this step if the threshold has not been met as it will not be accepted.

8. 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.

Authorised absence

- Authorised absence means that the school has accepted the reason given by the parent for the absence. Leave in term time cannot be authorised retrospectively. Only Headteachers can legally authorise absence.

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.

9. Support First 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		
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 (during the same academic year).		
If the child has an EHCP, ensured the statutory review has taken place within the last 12 months		
If the child has SEND needs or a SEND provision plan, ensured the support has been regularly reviewed and meets the child's needs		
Included both parents/carers if applicable.		
Used <i>#you'vebeenmissed</i> for children absent due to emotionally based school avoidance/non-attendance (Please note that Support First after the 'Facilitate Support' stage is not appropriate in instances where parents are working with you to address the EBSA/EBSNA, even if that work is not successful).		
Advised the parents to take the child to the GP where there is frequent illness absence and sought consent for a referral to the school nurse where early help has not been successful and their attendance is 85% or below mainly due to illness. (and referred if appropriate).		

Ensured there is at least one unauthorised absence after early help support has been offered and, if accepted, the agreed support has been arranged and given at least 6 weeks to improve attendance.		
Given 7 days' written notice for the FAM.		
Fully completed the FAM and asked the parents to sign the Attendance Contract.		
Sent the post FAM letter and included a copy of the attendance contract if applicable.		
Ensured there are 10 sessions of unauthorised absence within a 10-school week period (or no sooner than 7 days) after the date the post FAM letter was sent.		
<p>Scanned all of the evidence onto one PDF (do not send anything not on this list to limit file sizes) to include:</p> <ul style="list-style-type: none"> ▪ a direct copy of the signed FAM invitation letter ▪ a direct copy of the completed FAM pro-forma with the Parent/School Attendance Contract attached. This does not need to be attached if the parents did not attend the FAM. ▪ a direct copy of the signed Post FAM letter, legal information leaflet and attendance contract which would have been sent to the parents and included a copy of the child's attendance printout. ▪ a direct copy of the 'Notice to Improve' if sent 		

<ul style="list-style-type: none"> ▪ 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 		
---	--	--