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Statutory Intervention by the Local Authority for School Attendance

Executive Summary

Introduction:

Statutory intervention by the Local Authority (LA) for school attendance can be required for the following reasons:

- Long term attendance issues
- Unauthorised leave of absence in term time
- Being seen in a public place during the first five days of an exclusion
- A child of compulsory school age not being registered at a school or educated otherwise

Long term attendance issues

Prior to legal action being taken by the LA for long term school attendance issues there is a requirement for schools and the LA to have implemented the following procedure:

Stage 1 - Early Intervention

Early intervention can consist of telephone calls to parents, letters, home visits or meetings in school with support plans implemented. This stage is not part of the formal legal process therefore not dependant on unauthorised absence having occurred. A referral to the Prevention Service can be made if attendance drops to 90% or below and should be made prior to referral to the LA's Attendance and Enforcement Officers at Stage 3.

Stage 2 - 'Fast track' - Schools Formal Attendance Procedure

This stage represents the commencement of legal process therefore there must be some unauthorised absence recorded on the school register. When commenced is at the discretion of the school, however, the threshold for legal action to be taken by the local authority is ten unauthorised sessions in the previous four month period. A PACE Formal Caution Interview cannot therefore be held until this threshold has been reached. There should also be some evidence of a lack of engagement by the parent or child with the support offered. ***NB: Legal action cannot be taken when a child is LAC.***

The following actions should be taken if there continues to be no improvement:

- An Initial Warning letter issued
- An Attendance Panel Meeting held with targets and recommendations agreed
- A Review Meeting held or a referral to the LA's Attendance and Enforcement Officers for a PACE Formal Caution Interview (Stage 3) to be arranged depending on progress made

Stage 3 - 'Fast track' - LA's Formal Attendance Procedure

Following referral to the LA, a PACE Formal Caution Interview will be arranged in school with parent/carer(s), the child (if secondary school age) and school staff present and chaired by the LA's Attendance and Enforcement Officers. The Interview is for gathering evidence rather than support and only the following legal disposals will be considered by the LA:

1. NFA/Review Meeting
2. 15 day Penalty Notice Warning Letter (a Penalty Notice will be issued if any further unauthorised absences occur in the 15 school day time scale)
3. Education Supervision Order
4. Prosecution under the Education Act Section 444 (1) or (1A)

Statutory Intervention outside of the 'Fast track' procedure

Unauthorised leave of absence in term time (Holiday)

Penalty Notices can be issued for unauthorised leave of absence taken in term time if there has been a minimum of 10 sessions in a block or accumulative over a four month period. There is no requirement for the 'Fast track' procedure to have been implemented as this only refers to a specific type of absence rather than on ongoing issue which the family may need support to address. The leave of absence would have been requested by the parent/carer, refused by the school and then taken without the school's permission.

First five days of an exclusion

A Penalty Notice can be issued in instances where a pupil is seen in a public place in the first five days of an exclusion, whether fixed term or permanent, without a justifiable reason. School premises are not classed as a public place. Parents must have been notified in writing of the exclusion.

Not registered at a school or educated otherwise

School Attendance Orders can be issued by the LA in instances where a child of compulsory school age is found not to be registered at a school or educated otherwise, for example by being electively home educated (EHE).

Full details can be found in [School Attendance](#) - Advice and requirements of all schools for consideration of legal enforcement by the Local Authority.