# Referral criteria

Bromley has a staged approach for legal interventions for poor attendance. There is a named single point of contact (SPOC) for all who can be called prior to making a referral if school is uncertain if this the right way forward.

Prior to making a referral for legal intervention, as per the Working Together to Improve School Attendance Document that became statutory on August 19th, 2024, the expectation for all schools is the “support first” model.

Bromley Education Welfare Service will want to see evidence of the support offered to pupils with poor attendance that should include work around the following:

* Made parent/s aware of their concern in writing at the earliest opportunity.
* Held meeting(s) with parent/s.
* Undertaken /Considered an Early Help referral.
* Considered whether the young person is at risk of Child Sexual Exploitation.
* Considered and/or implemented school contracts to address concerns.
* Explored whether SEND support is required.
* Ensured a review has been held for students with an EHC Plan
* Where allegations of bullying have been made, that there is clear evidence that this has been investigated and addressed.
* Where additional needs have been identified and an Early Help referral has not been undertaken – demonstrate that an action plan has been developed to meet those needs. (A child’s non-attendance needs to be balanced against a parent(s)/ engagement with school and any support services offered)
* Where a Home /School disagreement is cited for non-attendance, that school have offered a meeting to resolve any disagreement. Recording outcomes and actions.
* Considered If the child is a young carer, and if identified that support has been offered.
* If there are health or medical needs, that a health plan has been held with support of the school nurse team where possible and that medical evidence or supporting letter from the GP/Consultant is sought where needed. Has a LBB Gateway referral been considered?
* When referring that parent(s)/ carer(s) given name and all contact details are correct
* Where there are safeguarding concerns, including educational neglect that a Children and Family Hub referral has been made.

Many of the above expectations are best recorded and addressed via the use of a Team Around the Child (TAC) or Team Around the Family (TAF) possibly as part of an Early Help Assessment.

# Penalty Notices

The national framework for penalty notices is based on the principles that penalty notices should only be used in cases where:

* support is not appropriate (e.g. a term time holiday) or where support has been provided and not engaged with or not worked, and
* they are the most appropriate tool to change parental behaviour and improve attendance for that family.

# When may a penalty notice for absence be appropriate?

When the national threshold has been met, the school must consider whether a penalty notice should be requested to the local authority to issue or not. The national threshold has been met when a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks1, with one of, or a combination of the following codes:

* code G (the pupil is absent without leave for the purpose of a holiday),
* code O (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies), and
* code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies)

If repeated penalty notices are being issued and they are not working to change behaviour, they are unlikely to be most appropriate tool. The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period. If the national threshold is met for a third time (or subsequent times) within 3 years, another tool should be used.

# Prior to completion, please ensure the following for a Penalty Notice for Term Time Holidays:

* Use of Penalty Notices has been included in the school’s attendance policy and has been communicated to all parents on at least an annual basis and have mention in termly newsletters or bulletins.
* Parents have been advised in writing that their extraordinary circumstances for leave in term time request has been refused and a penalty notice will be requested from the LA if leave is taken. This must be signed by the Head Teacher.
* Copy of the parental request for leave during term time.
* The address details of both parent(s)/carer (s) have been verified as correct.
* The given name/s of parents have been included.
* The attendance certificate covers the period of absence using G code and shows the child has returned following the period of unauthorised leave.
* Any letter from school to parent, should be addressed directly to each parent including their full name and address. The child’s name and date of birth should also be included in the letter sent home.

# Penalty Notices for 10 unauthorised sessions in a 10 week period, using a mixture of unauthorised absences (including G, O, U) where support is not appropriate:

* Use of Penalty Notices has been included in the school’s attendance policy and has been communicated to all parents on at least an annual basis and have mention in termly newsletters or bulletins.
* Parents have been advised in writing that their extraordinary circumstances for leave in term time request has been refused and a penalty notice will be requested from the LA if leave is taken. This must be signed by the Head Teacher.
* Copy of the parental request for leave during term time.
* Reason for U and O codes and what communication has been had with the family.
* The address details of both parent(s)/carer (s) have been verified as correct.
* The given name/s of parents have been included.
* The attendance certificate covers the period of absence using G,O, U codes.
* Any letter from school to parent, should be addressed directly to each parent including their full name and address. The child’s name and date of birth should also be included in the letter sent home

# Notice to Improve

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A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a notice to improve should usually be sent to give parents a final chance to engage in support. An authorised officer can choose not to use one in any case, including cases where support is appropriate, but they do not expect a notice to improve would have any impact on a parent’s behaviour (e.g. because the parent has already received one for a similar offence).

There is an expectation that school would have undertaken the following:

* The referral has the correct parent(s)/ carer(s) details of those requested to receive a fine.
* When/how parent(s)/ carer(s) informed absence/s were unauthorised by school.
* Parent/s/carers informed in writing of school’s concern regarding unauthorised absence at the earliest opportunity.
* Held meeting (s) with parent/carers if appropriate and barriers to attendance discussed.
* School have considered whether a referral to the Children and Family Hub would be appropriate (including but not limited to educational neglect/CSE/CCE) or other agencies such as Young Careers / Bromley Y/ CAMHS
* Consider whether an attendance contract would be more appropriate
* School to document whether SEND (Special Educational Needs and Disability) support is required and if any underlying SEND needs are a barrier to attendance.
* If pupil has an EHCP (Education Health Care Plan), ensure reviews are up to date, or further review called if necessary.
* Where allegations of bullying have been made, that there is evidence that this has been investigated and addressed by school.
* Where a Home /School disagreement is cited for non-attendance, that school have offered a meeting to resolve any disagreement. Recording outcomes and actions.
* The Notice to Improve will be sent to parent(s)/ carer(s) with a 3-week monitoring period. The local authority would expect to see a significant improvement in attendance.
* Schools will be sent a copy of the Notice to Improve that went to parent/(s) carer/(s) for their records.
* On receipt of school receiving the Notice to Improve letter, there is a requirement for the school to send the Local Authority a registration certificate at the end of the monitoring period.

**Please note that only the LA will issue a Notice to Improve letter prior to any PN being issued**.

# Court Action

The Legal Investigation Referral form is available online. This normally encompasses students who have in excess of 12 sessions of unauthorised absence within a six week period or have amassed 15% unauthorised absence over a prolonged period of time.

It is crucial in terms of evidence for court, that the school record, date and retain all communications between themselves and parents on actions taken, meetings held, telephone conversations, emails sent etc.

For schools that use Independent Attendance Services, they should be working alongside the school under the “support first” model and if the work that they do on behalf of the school can be used as part of any court action alongside a statement from the school.

All referrals will be triaged when they are submitted to ensure that the “support first” model has been attempted with the family.

There is an expectation that school would have undertaken the following:

* The referral has the correct parent(s)/ carer(s) details.
* When/how parent(s)/ carer(s) informed absence/s were unauthorised by school.
* Parent/s/carers informed in writing of school’s concern regarding unauthorised absence at the earliest opportunity.
* Held meeting (s) with parent/carers if appropriate and barriers to attendance discussed.
* School have considered whether a referral to the Children and Family Hub would be appropriate (including but not limited to educational neglect/CSE/CCE) or other agencies such as Young Careers / Bromley Y/ CAMHS .
* Referrals to partner agencies have been considered and offered.
* Consider a school contract between the family and the school.
* School to document whether SEND (Special Educational Needs and Disability) support is required and if any underlying SEND needs are a barrier to attendance.
* If pupil has an EHCP (Education Health Care Plan), ensure reviews are up to date, or further review called if necessary.
* Where allegations of bullying have been made, that there is evidence that this has been investigated and addressed by school.
* Where a Home /School disagreement is cited for non-attendance, that school have offered a meeting to resolve any disagreement. Recording outcomes and actions.
* That a Notice to Improve has been considered
* Considered If the child is a young carer, and if identified that support has been offered.
* If there are health or medical needs, that a health plan has been held with support of the school nurse team where possible and that medical evidence or supporting letter from the GP/Consultant is sought where needed. Has a LBB Gateway referral been considered?

When the referral is accepted, it will be allocated to an Education Welfare Officer who will:

* Invite the parent to attend a meeting at the school with a member of staff and complete a formal attendance contract and attendance will be monitored for 3 weeks.
* If the parent does not attend the meeting, the contract will be completed with school and Education Welfare Service actions and a home visit will be attempted to share the contract with the parent and add any actions to it for the family.
* If the family are not at home, the contract will be left with a covering letter asking for contact within a timeframe.
* The school will be asked to send the EWO an updated attendance certificate in 3 weeks’ time with any further communication had with the family.
* If there is improvement, the referral will be closed.
* If there is little or no improvement, the parent will be invited to attend an interview under caution at Bromley Civic Centre and a member of staff from the school will be expected to attend.
* Whether the parent attends the meeting or not, there will be a final 3 week monitoring period.
* The school will be asked to send the EWO an updated attendance certificate 3 weeks after the meeting with any further communication had with the family.
* If there is improvement the referral will be closed.
* If there is little to no improvement, the parent will be notified that the case will progress to court and the school will need to complete a court statement with exhibits and be prepared to give evidence in court if needed.