

Derby City Council Working Together to Improve School Attendance policy 2025.

Section 1: Summary About this guidance

1. This document sets out Derby City Council's policy for Improving School Attendance, meeting the duties as expressed in the Department for Education's 'Working together to improve school attendance' statutory guidance 2024.
2. This policy should be read alongside the statutory guidance documents on children missing education, supporting pupils with medical conditions at school, education for children with health needs who cannot attend school, suspensions and exclusions, alternative provision, elective home education, participation post 16 and Keeping Children Safe in Education. It forms part of the council's approach to supporting children and young people to access education and the areas partnerships aim for Derby to be an inclusive and ambitious City.
3. Where this document refers to a parent, this refers to all those who have parental responsibility for a child or young person; and those who have day to day responsibility for the child (i.e. lives with and looks after the child).
4. Improving attendance is everyone's business. Good attendance begins with schools establishing a sense of belonging for all pupils. Some pupils find it harder than others to attend school and therefore at all stages of improving attendance, Derby City Council will work in partnership with all schools, partners, parents and young people to remove any barriers to attendance by building strong and trusting relationships and working together to put the right support in place.
5. This policy will be reviewed annually.

Section 2: The law on school attendance and right to a full-time education

6. The Children's Wellbeing and Schools 2024 Bill¹ introduces reforms aimed at improving school attendance and safeguarding children, particularly those educated outside school settings. The key provision are;

¹ Awaiting Royal Assent

- Mandatory notification for Elective Home Education (EHE)
 - Enhanced oversight of EHE
 - Local Authority Registers for Children Not In School
 - Standardised School Attendance Orders (SAOs)
7. The 1996 Education Act is a key piece of legislation that consolidates and outlines the duties and responsibilities related to education in England. The Education Act 2002, Children and Families Act 2014 have updated to its provisions since to regulate attendance and registration of compulsory school aged children in education.
- 1996 Education Act
 - 2002 Education Act
 - 2005 Education Act
 - 2006 Childcare Act
 - 2006 Education and Inspections Act
 - 2008 Education and Skills Act
 - 2010 Equality Act
 - 2011 Education Act
 - 2014 Children and Families Act
8. The law entitles every child of compulsory school age 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. In line with section 19 of the Education Act 1996 or section 42 or 61 of the Children and Families Act 2014.
9. Where parents decide to have their child registered at 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.
10. The law requires all schools including independent schools to have an admission register and, except for schools where all pupils are boarders, an attendance register. These registers must be kept electronically. All pupils (regardless of their age) must be placed on the admission register and have their attendance recorded in the attendance register. The proprietor of a school who fails to comply with these regulations is guilty of an offence and can be fined.

Section 3: Expectations of Schools

11. To manage and improve attendance effectively, all schools are expected to:
 - Build strong relationships and work jointly with families, listening to and understanding barriers to attendance and working in partnership with families to remove them.
 - Develop and maintain a whole school culture that promotes the benefits of high attendance.
 - Have a clear school attendance policy which all staff, pupils and parents understand.
 - Accurately complete admission and, with the exception of schools where all pupils are boarders, attendance registers and have effective day to day processes in place to follow-up absence.
 - Regularly monitor and analyse attendance and absence data to identify pupils or cohorts that require support with their attendance and put effective strategies in place.
 - Share information and work collaboratively with other schools in the area, local authorities, and other partners where a pupil's absence is at risk of becoming persistent or severe.
 - Be particularly mindful of pupils absent from school due to mental or physical ill health or their special educational needs and/or disabilities, and provide them with additional support.
12. Where a pattern of absence is at risk of becoming, or becomes, problematic schools should work with children and families to:
 - Support pupils and parents by working together to address any in-school barriers to attendance.
 - Where barriers are outside of the school's control, draw on partners to support pupils and parents to access any support they may need voluntarily. As a minimum, this should include meeting with pupils at risk of persistent or severe absence and their parents 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.
13. Where absence intensifies, so should the support provided.
14. Where voluntary support has not been effective and/or has not been engaged with all Derby City schools should work with the local authority to:

- Put formal support in place in the form of an attendance contract or an education supervision order.
 - Issue a Notice to Improve and/or penalty notice where support would not be appropriate or has not been successful or engaged with and it is likely to change the parents' behaviour.
 - Intensify support through statutory children's social care involvement where there are safeguarding concerns,
 - Prosecute parents where all other routes have failed or are not deemed appropriate. This could include making the case for a community or parenting order where the parent is convicted to secure engagement with support.
15. Supportive approaches are most effective when they are put in place as early as possible and therefore it is essential all partners work together in a timely manner. In all cases, the school should monitor the impact of any intervention(s) and make adjustments where necessary in discussion with the pupil, parents and any other partners involved as part of any whole family plan or team around the family.
16. Where interventions are failing, all parties should work together to identify the reasons why and either adjust or change the approach.
17. Time away from school to receive education in other ways must be recorded in the attendance register using the appropriate codes.
18. In very exceptional circumstances, where it is in a pupil's best interests, there may be a need for a school to provide a pupil of compulsory school age with less than full-time education through a temporary part-time timetable to meet their individual needs. For example, where a medical condition prevents a pupil from attending school or another setting full-time and a part-time timetable is used to help the pupil access as much education as possible. A part-time timetable should not be used to manage a pupil's behaviour.
19. A part-time timetable should:
- Have the agreement of both the school and the parent the pupil normally lives with.
 - Have a clear ambition and be part of the pupil's wider support, health care or reintegration plan.
 - Have regular review dates which include the pupil and their parents to ensure it is only in place for the shortest time necessary.

- Have a proposed end date that takes into account the circumstances of the pupil, after which the pupil is expected to attend full-time, either at school or alternative provision. It can, however, be extended as part of the regular review process. In some limited cases, a pupil with a long-term health condition may require a parttime timetable for a prolonged period.
20. Where the pupil has a social worker, the school is expected to keep them informed and involved in the process and this will form part of the child's plan.
 21. If the pupil has an education health and care plan, the school should discuss the part-time timetable with the local authority so that any support package that is in place can be reviewed as swiftly as possible.
 22. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must record the absence accordingly.
 23. As well as the above leaves of absence, all schools can also allow pupils to be absent from the school site for certain educational activities or to attend other schools or settings:
 - To attend an offsite approved educational activity.
 - To attend another school at which the pupil is registered (dual-registration).
 - To attend provision arranged by the local authority. e.g. alternative provision or as part of an education, health and care plan.
 - To participate in an approved sporting activity.
 - To attend an educational visit or trip arranged by the school.
 - To attend work experience.
 24. As these circumstances are part of delivering a full time education they are not classified as absences for statistical purposes.
 25. Schools of all types, should work with Derby City Council and other partners where appropriate to share data on individual cases where it is of benefit to the pupil (e.g. health services where there are medical conditions or the police where there are extra-familial harms).
 26. In line with the statutory guidance Derby City Council will seek, more frequent or comprehensive data to ensure we meet our obligations under the Education Acts and the expectations for local authorities. This includes regular access to the attendance and admission registers Where appropriate Council officers will take

digital or physical extracts.

27. To facilitate effective support for children and young people, schools are expected to inform a pupil's social worker and/or youth offending team worker if there are unexplained absences from school. Children missing education officers or a school's point of contact in Derby City School Inclusion Support Team will also inform a pupil's social worker and/or youth offending team worker if their name is to be deleted from the school register.
28. Many children will experience normal but difficult emotions that make them nervous about attending school, such as worries about friendships, schoolwork, examinations or variable moods. It is important to note that these pupils are still expected to attend school regularly - in many instances, attendance at school may serve to help with the underlying issue as being away from school might exacerbate it, and a prolonged period of absence may heighten anxious feelings about attending in future. Schools in Derby City are expected to follow the Emotionally Based School Non-Attendance Pathway , outlined in the Supporting Children with Health Needs Policy (Appendix 1,) . Medical evidence for recording absences should only be needed in a minority of cases
29. Some pupils face more complex barriers to attendance. This can include pupils who have long term physical or mental health conditions or who have special educational needs and disabilities (SEND). Their right to an education is the same as any other pupil and therefore the attendance ambition for these pupils should be the same as it is for any other pupil but additional support may need to be provided.
30. For pupils with special educational needs and disabilities, schools are expected to:
 - Work in partnership with parents to develop specific support approaches for attendance for pupils with special educational needs and disabilities, including, where applicable, ensuring the provision outlined in the pupil's education, health and care plan is accessed.
 - Work in partnership with families to help support routines where school transport is regularly being missed and work with other partners to encourage the scheduling of additional support interventions or medical appointments outside of the main school day.
 - Establish strategies for removing the in-school barriers these pupils face, including considering support or reasonable adjustments for uniform, transport, routines, access to support in school and lunchtime arrangements.
 - Consider adjustments to practice and policies to help meet the needs of pupils who are struggling to attend school, as well as making formal reasonable

adjustments under section 20 of the Equality Act 2010 where a pupil has a disability. Any adjustments should be agreed by, and regularly reviewed with the pupil and their parents.

- Ensure joined up pastoral care is in place where needed and consider whether a time-limited phased return to school would be appropriate.

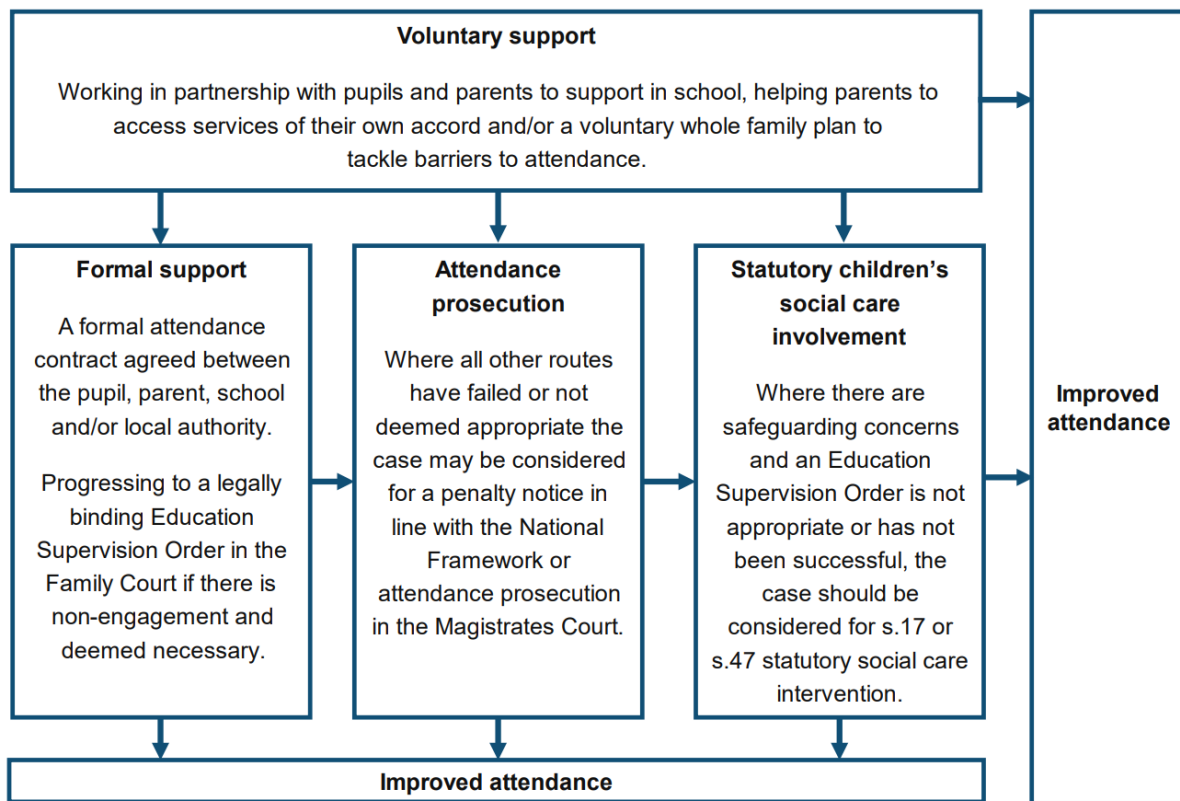
Section 3: Expectations of Local Authorities

31. Local authorities are facilitators of wider support needed by individual families and schools to overcome barriers in the short term.
32. Derby City Council have adopted a team around the school approach and as such attendance is managed as part of a wider Inclusion Service that considers all children not in education, employment and training; drawing on the wider inclusion services to ensure that children are receiving an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have.
33. Supporting schools across Derby City, the Council will hold termly meetings with school attendance and behaviour leads to discuss issues arising from attendance and to establish a strategic approach to attendance that prioritises the pupils, pupil cohorts and schools on which to provide support and focus its efforts on to unblock area wide barriers to attendance; patterns of part time timetables, off site and use of alternative provision; elective home education; emotional based school non-attendance; other emerging concerns ; and support from partner agencies. A workforce development programme will be developed to address any trends or to ensure new staff within schools are fully aware of the statutory guidance and this policy.
34. An Inclusion Officer will be allocated to each school in the Derby City area and will be the school's single point of contact. Using the school attendance data and behaviour data the Inclusion Officer will work with the school to identify pupils and cohorts at risk of poor attendance or at risk of exclusion and agree targeted actions and access to services for those pupils. The regulatory of these meeting s will be at least twice a term or as agreed with the school or when the Council identifies areas of discussion with the school.
35. This will include agreeing joint approaches for all severely absent pupils, part time timetables and children with suspensions; reviewing progress and/or agreeing additional actions since the last meeting on existing plans. This will include drawing on teams from the wider Inclusion services or referrals to panels with

Derby including the behaviour panel. By adopting this approach we shall ensure that there is a clear understanding about the appropriate support and intervention pathways for either attendance or behaviour management.

36. Multi-disciplinary support for families will be established to ensure there is a collaborative culture that puts the needs of the pupil and wider family at the core of its action. Thinking 'whole family' and considering siblings and the wider family in deciding on actions. This will be the case in respect of elective home education, or where early help or social care, or health support maybe required. Where there are existing plans in place support children and families including early help, social care the youth offending service or SEND, the Inclusion Officer will ensure that there is a tie into attendance and any behaviour management intervention or alternative provision.
37. For key stage 4 and 5 students the Inclusion officer will also identify any students at risk of not being in education, employment or training post 16, to ensure effective support can be put into place for students.
38. **Legal intervention:** Derby City Council will take forward attendance legal intervention (using the full range of parental responsibility measures) where voluntary support has not been successful or engaged with.
39. Where that is not successful, or is not engaged with, the law protects pupils' right to an education and provides a range of legal interventions to formalise attendance improvement efforts, and where all other avenues have been exhausted, enforce it through prosecuting parents.
40. Attendance legal intervention can only be used for pupils of compulsory school age and decisions should be made on an individual case by case basis. The following legal interventions will be used by Derby City Council when appropriate:

Providing support first before attendance legal intervention



41. Derby City Council will work with individual schools in deciding which legal intervention to take. This will consist of both voluntary and formal support.
42. Formal support will take the form of a formal attendance contract agreed between the pupil, parent, school and/or local authority. Progressing to a legally binding Education Supervision Order in the Family Court if there is non-engagement and deemed necessary.
43. Where all other routes have failed or not deemed appropriate the case may be considered for a penalty notice in line with the National Framework or attendance prosecution in the Magistrates Court, or statutory children's social care involvement where there are safeguarding concerns and an Education Supervision Order is not appropriate or has not been successful, the case should be considered for s.17 or s.47 statutory social care intervention.
44. Providing support first before attendance legal intervention will include parenting orders and penalty notices. Where they are used, it should be clear that it is the most appropriate intervention to change parental behaviour and in making the decision to use an intervention, headteachers and local authority officers will have regard to their safeguarding duties as set out in the statutory guidance on

Keeping Children Safe in Education.

45. Derby City Council's local code of conduct for issuing penalty notices follows the national framework for penalty notices, as detailed on <https://www.derby.gov.uk/education-and-learning/schools-and-colleges/education-welfare/education-penalty-notices/#page-1>
46. In line with the regulations regarding supporting children with a social worker, Derby City Council will monitor and improve the attendance of children with a social worker through their Virtual School.

Section 4: Cross border working

47. In line with the statutory guidance responsibility sits with the home LA in the following cases:
 - Responsibility for arranging any alternative provision
 - Special Educational Needs and Disabilities (SEND) Education, health and care plans (EHCP):
 - Children's Social Care including looked-after children
 - Early help
48. Attendance legal intervention :
 - Education supervision order: Either local authority can apply for an education supervision order, but it will usually be the Home LA that acts as the 'designated LA' and therefore both local authorities should discuss and agree before proceeding.
 - Penalty notice: A penalty notice must be issued in line with the National Framework and local code of conduct for the area in which the child goes to school, and if issued by a local authority, it must be the School LA.
 - Prosecution: Either local authority has the power to prosecute, but in general it should be the School LA that takes forward prosecutions under section 444(1) and (1A) of the Education Act 1996. It is, however, good practice for the School LA to inform the Home LA that legal action is being taken.
 - School Attendance Orders (SAOs) 123. Where it appears a child of compulsory school age in their area is not receiving suitable education, either at school or otherwise than at a school (such as unsuitable home education), that local authority (the Home LA) is responsible for serving a notice and if necessary a SAO in line with sections 437 to 442 of the Education Act 1996. Likewise, if prosecution for breaching the SAO is deemed necessary, it should be taken forward by the Home LA

- Parenting orders: Where a prosecution leads to a Parenting Order, the Court will specify a responsible officer in line with section 372(5) of the Sentencing Act 2020. Both local authorities should discuss and agree who is most appropriate to act as responsible officer in advance of seeking the Order, within the statutory requirements. The most appropriate officer will often depend on the reason for absence. Reasonable enquires to locate a suspected child missing education
49. Where a pupil has not returned from a period of leave or has had a continuous period of absence, the school and the School LA may need to carry out joint reasonable enquiries under regulation 9(1)(h) or (i) of the School Attendance (Pupil Registration) (England) Regulations 2024 to try to find out where the pupil is.
 50. In conducting these enquiries the school and the School LA are also expected to liaise with the Home LA and if, following those enquiries, the pupil's name is deleted from the school's register, the Home LA should investigate whether the child is a Child Missing Education.
 51. Cases where a pupil is temporarily housed in an additional local authority's area local authorities should work together to ensure continuity of education. In general:
 - The School LA is expected to identify an emerging attendance issue through its usual channels as it would in any other case. The School LA should convene a conversation with the Home LA and Temporary LA. Unless accommodation has been arranged by the Home LA (i.e. they have temporarily accommodated the family in another local authority's area), the Temporary LA assumes the responsibilities of the Home LA . As with any other case, if a penalty notice or prosecution is required this would be delivered by the School LA.
 - Where the pupil's name is deleted from the admission register it would be the Temporary LA's responsibility to investigate whether the child is missing education and if necessary issue any SAO.
 - In cases where an asylum seeking or refugee child is temporarily accommodated in a local authority area by the Home Office, that local authority assumes the responsibilities of the Home LA. Where the pupils are rehoused in a second local authority's area, both local authorities should work together during the move.
 - In cases where the Home LA has arranged temporary accommodation in another local authority's area, the local authority arranging the accommodation must work with the Temporary LA to fulfil the functions of the Home LA .

Policy to be reviewed in July 2026