

'Support First'

School attendance framework and guidance

Education Legal Intervention Team

Attendance and Inclusive Pathways Service

Birmingham City Council

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The Support First Framework

(i) Introduction

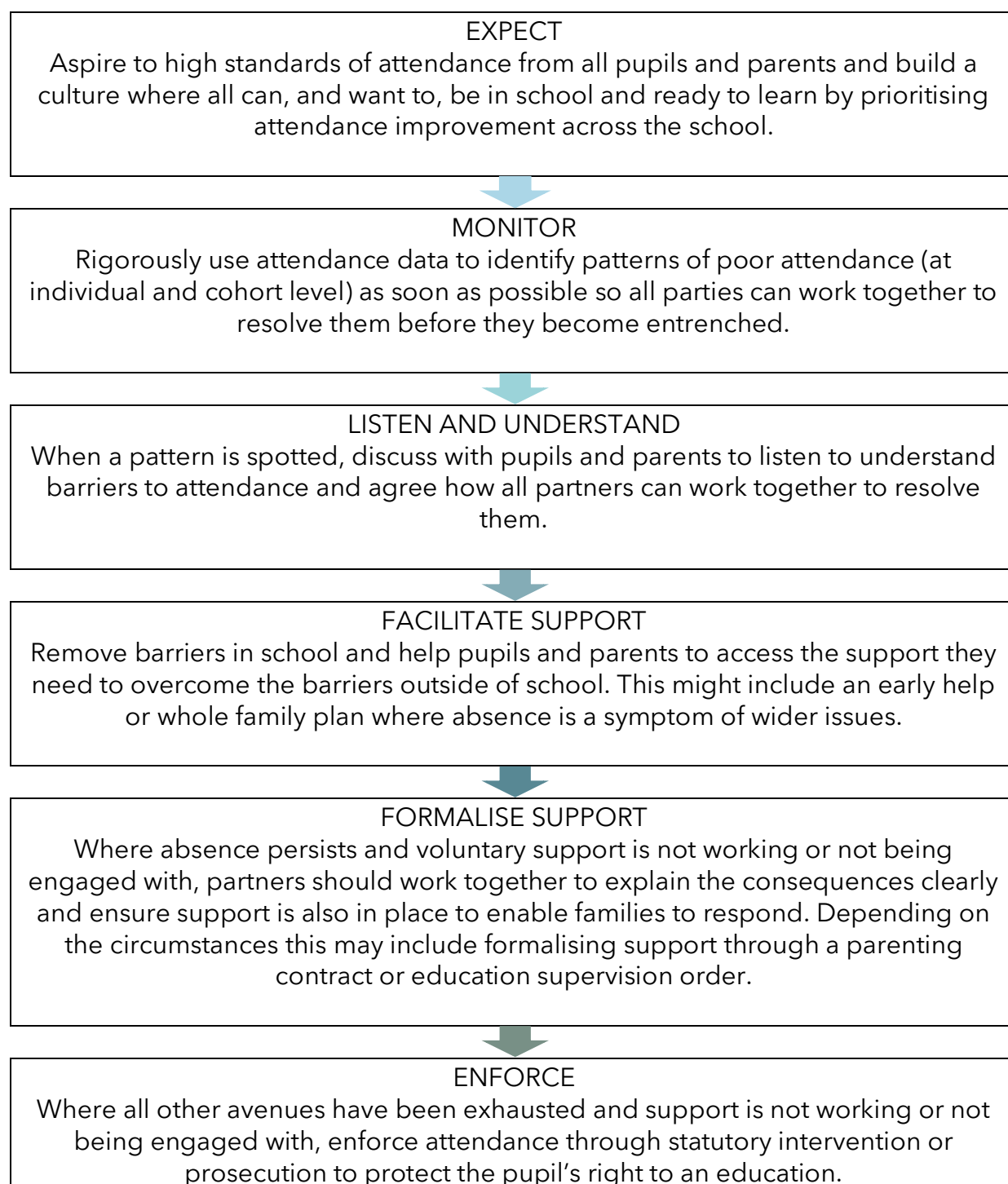
- For some of the most vulnerable pupils in our city, school provides an important protective factor and offers the best opportunity for needs to be identified and support put in place. When pupils are absent from school, they are less visible to professionals who may be able to help. Research has identified links between regular school absence and a range of extra-familial harms, including crime, where 90% of young offenders had been persistently absent, and serious violence, where 83% of knife possession offenders had been persistently absent in at least one of the five years studied.
- 'Support First' is founded on the expectation set out in the statutory guidance 'Working together to improve school attendance' that schools, academies, alternative providers, independent schools and agencies should work together to support pupils and parents by addressing any in-school barriers to attendance:
[Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/Working_together_to_improve_school_attendance.pdf)
- This framework does not apply where support is not appropriate, such as cases involving unauthorised leave of absence. In those circumstances, schools should follow the 'Leave of Absence (Legal) Process'.
- Good attendance is built on strong, constructive relationships with parents and pupils, within a culture of belonging and support. Schools should treat all pupils and parents with dignity, and staff should model respectful relationships that help build positive links between home and school as a foundation for good attendance.
- Schools should foster a sense of belonging and support so that parents and children feel confident approaching the school for help when they are experiencing difficulties.
- When working in partnership with parents, schools should discuss the relationship between attendance, attainment and wider wellbeing, and challenge any misconceptions about what 'good' attendance means. Where a pupil or family needs attendance support, the most appropriate member of school staff should work alongside the family and, wherever possible, remain consistent throughout.
- Every child of compulsory school age is entitled to an efficient, full-time education that is suitable for their age, ability, aptitude and any special educational needs they may have. Parents have a legal responsibility to ensure

their child receives that education, either through attendance at school or through education otherwise than at school.

- Where parents choose to register their child at a school, they also have a legal duty to ensure their child attends regularly. This means the child must attend every day the school is open, except in limited permitted circumstances, such as when they are too ill to attend or when the school has authorised an absence in advance.
- Where schools are concerned about a child or young person's level of absence, whether authorised or unauthorised, they should act at the earliest opportunity to improve attendance.

IMPORTANT: Support First is intended for children of compulsory school age. For children in Reception who are not yet of compulsory school age, schools should still offer early help and support families where required.

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



(ii) Changes to this edition

- Schools are no longer required to refer children to the school nurse service solely because attendance is below 85%, where there is no identified medical condition or concerns about illness.
- Although informal meetings and early help support must still be offered to all parents, schools no longer need to pause the framework where a family has accepted an early help assessment or has received support from Birmingham Children's Trust within the previous two years, regardless of whether they engaged with that support at the time.
- Schools no longer need to pause Step 2, the formalised process, if parents accept early help at the Formal Attendance Meeting stage.
- A second FAM does not need to be arranged unless requested by the parent/carer, though contact should be attempted if they do not attend.
- Appendix 1 now includes specific guidance on how schools should send specific letters to parents to ensure legal compliance.
- The 'Notice to Improve' has been updated and now includes the BCC logo to give the notice greater authority.
- A 'Notice of LA Referral' letter has been added for schools that wish to inform parents that a referral to ELIT has been made and encourage the family to engage with the process.
- Quick guides and flowcharts have been moved to the appendices for easier access and download.
- Additional optional resources have been included for schools, including an invitation letter for an informal meeting and an attendance support meeting form. These documents are not mandatory, but schools that have used them have found them helpful.
- The section on supporting children with specific barriers to attendance has been removed from this guidance and placed in a supplementary guidance document.

(iii) **Step 1 - Listen, understand and facilitate support**

School Procedures

IMPORTANT: Where there is evidence of 'emotionally based school avoidance/non-attendance' (sometimes incorrectly referred to as school refusal) please consult the supplementary guidance 'Supporting children with specific barriers to attendance' and [#you'vebeenmissed](#)

This is the most important stage of helping children and families to improve attendance. 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 critical. Attendance does not tend to improve where children feel worried, insecure, unwanted and unheard at home or school.
- Chapter Two of '*Working together to improve school attendance*' outlines the statutory responsibilities for all schools, incorporating best practice ideas and minimum requirements to enable attendance to improve. This includes how to secure a culture of belonging and partnership in school; how to identify children with attendance concerns using VYED or the school's MIS; and how to enable support to be offered to families where there may be difficulties.
- Senior attendance champions new to the role can access the attendance toolkit in Birmingham's Inclusion House which can be found here: [Birmingham's Inclusion House](#) where there are helpful resources and tools for schools to use.
- The Department for Education has also published an attendance toolkit for schools, updated in June 2026, which can be found here: [Attendance toolkit for schools.pdf](#)
- Birmingham City Council provides every state funded school with a named point of contact (NPOC) for attendance (Managing Attendance Coordinators) in all 10 districts, who can provide advice on strategy, data and supporting individual pupils. The Managing Attendance Coordinator for your school can also offer Targeting Support Meetings which will be offered based on need. Special schools have their own NPOC. The contact details for the NPOCs can

be found here and the mailboxes are monitored even if there is no NPOC for that district:

Edgbaston.Attendance@birmingham.gov.uk

Erdington.Attendance@birmingham.gov.uk

HallGreen.Attendance@birmingham.gov.uk

HodgeHill.Attendance@birmingham.gov.uk

Ladywood.Attendance@birmingham.gov.uk

Northfield.Attendance@birmingham.gov.uk

PerryBarr.Attendance@birmingham.gov.uk

SellyOak.Attendance@birmingham.gov.uk

Sutton.Attendance@birmingham.gov.uk

Yardley.Attendance@birmingham.gov.uk

SpecialSchools.Attendance@birmingham.gov.uk

When attendance is of concern...

- Where absence becomes problematic, schools should draw on those positive relationships with parents/carers, listening to and understanding the barriers to attendance the pupil or family are 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.
- 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.
- 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.
- Schools should ensure every family received a copy of the '*Good Attendance Matters*' leaflet at the start of the academic year, and that it's included in school newsletters etc.

- As there is an explicit link between safeguarding and poor attendance in school, attendance staff should consult their DSL in relation to individual pupils of concern.

What the school must do...

○ Talking to children

- ✓ complete the 'Signs of Safety Framework' three houses form with the child, which is Section 6 of the early help assessment form, and **act on any worries they share**. Alternatively, schools may use one of the templates in the 'Templates, checklists and planning support' section of the attendance digital library in Birmingham's Inclusion House: [Attendance - Birmingham's Inclusion House](#). This should help identify whether a full early help assessment is required. The purpose is not simply to complete a form, but to give the child a safe, individual space to talk about what is going well and any worries they may have. Speaking to a child as part of a group is not sufficient; they must be given their own opportunity to share their views. Where schools need support or guidance on using the three houses form with children, they should contact their Early Help Coordinator, who can provide training or assistance. Attendance staff should consult the DSL where there are concerns about information shared by a child during this process.

○ Welcoming parents/carers into the school

- ✓ invite parents/carers to attend an informal attendance support meeting to discuss the support available and, where appropriate, offer an early help assessment. Schools may use the optional 'Attendance Support Plan' template for informal meetings, although they can use their own format if preferred. There are also Primary and Secondary Phase meeting templates in the 'Templates, checklists and planning support' section of the attendance digital library in Birmingham's Inclusion House: [Attendance - Birmingham's Inclusion House](#)

Where practitioners such as social workers, family support workers or Youth Justice practitioners are already involved, they should be invited to the meeting. In these circumstances, early help may not need to be offered because an existing plan should already be in place, with attendance as a key area of focus;

- ✓ visit the family at home (unless there are already concerns about staff safety) to try to engage the parents/carers if they haven't attended the attendance support meeting or responded to invitations;
 - ✓ make phone calls or arrange online meetings in the minority of cases where the parents/carers have a history of posing a safety risk to school staff;
 - ✓ signpost parents/carers to other sources of help and support such as the Birmingham Family Hubs which can now be found across the city. Consult with the DSL if the safeguarding concerns arise when using this framework.
- Joined up support and removing other barriers (these are covered in more detail in the supplementary guidance '*Support First - Supporting children with specific barriers to attendance*').
- ✓ ensuring practitioners already involved with the family, such as social workers, family support workers or early help workers, are invited to the attendance support meeting and included in discussions, planning and target setting relating to school attendance. Improving attendance should also be reflected in any formal plans;
 - ✓ ensuring any EHCP has been reviewed in line with the school's duties under the SEND Code of Practice, at least annually, to confirm that the provision remains suitable to meet the child's needs, unless the initial EHCP was issued within the last year;
 - ✓ ensuring children with SEND or a SEND provision plan have their needs reviewed regularly, and that support remains appropriate, particularly where attendance is poor or the child is at risk of exclusion;
 - ✓ advising parents/carers that they may apply for travel assistance where the home-to-school distance is more than two miles for children under eight, or more than three miles for children aged eight and over. Assistance is unlikely to be agreed where parents chose the school despite nearer suitable places being available. Where an off-site direction is arranged at a school beyond the statutory walking distance from home, schools should ensure transport assistance is offered;
 - ✓ supporting pupils who are moving between phases or schools, in line with DfE guidance on vulnerable transition points;

- ✓ providing appropriate support where there are high levels of illness absence, and ensuring children have healthcare plans and/or school nurse support, where consent is provided, for any known medical conditions, including referrals for Section 19 provision if there is evidence the child is too unwell to attend school: [Section 19 policy | Birmingham City Council](#)
- ✓ asking parents/carers to arrange for their child to see a GP where there are high levels of illness absence but no known medical condition, and sending the 'medical absence' letter if absences continue;
- ✓ addressing any other barriers to good school attendance, including EBSA/EBSNA, child mental health, homelessness, caring responsibilities, part-time timetables, temporary accommodation, children who are looked after or previously looked after, known medical conditions and mobile children.

(IMPORTANT: Please refer to the supplementary guidance 'Support First - Supporting children with specific barriers to attendance' to ensure vulnerable children are appropriately supported)

- Children whose parents regularly take them out of school for holidays to help the family cope with difficult family circumstances 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.
- The staff member with operational responsibility for attendance should work together with the DSP/DSL in determining the correct Early Help response following the attendance support meeting. The staff can also consult with their Early Help Coordinator if they are unsure what level of early help is required or if a referral to the Targeted Family Help Service is appropriate.

Once an attendance support meeting and early help have been offered...

- Where parents/carers actively refuse early help, or don't respond to offers of support via an attendance support meeting, 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 by the child and send the 'medical absence' letter following the guidance in Appendix 1 to ensure legal compliance of the letters. If there is then unauthorised absence move straight to the 'formalised support' stage.

- 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, schools need to give the support 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 send the 'Medical Absence' letter, following the guidance in Appendix 1.
- Where there is then unauthorised absence, schools may move directly to the Stage 2 after notifying the allocated BCT worker (where one is involved) of their intention to do so. If the school is unsure, or the allocated BCT worker does not agree, advice should be sought from ELIT:
attendance@birmingham.gov.uk
- Although informal attendance support meetings must be offered to all parents/carers, schools do not need to pause the framework where the family has already accepted an early help assessment or has received support from Birmingham Children's Trust within the previous two years. Support should still be offered where requested, but Support First can progress to Step 2 if attendance does not improve, after sending the 'Medical Absence' letter. For families who have not previously been offered Early Help, or where support was provided more than two years ago, schools should allow at least six weeks from the start of the support for it to have an impact.

(iv) **Step 2 - Formalised Support: Formal Attendance Meeting and attendance contract**

Schools should move to formalised support where a child of compulsory school age has at least one session of unauthorised absence and one or more of the following applies: the family did not attend an attendance support meeting when invited; early help has been refused, including where there has been no response to the school's attempts to engage the family; or early help/social care strategies have not led to sustained improvement in attendance.

IMPORTANT - Do not move to the 'formalised support' stage unless the family has been offered an attendance support meeting and the school has attempted to capture the voice of the child as part of its Early Help response. If these steps have not been completed, schools must return to Phase 1, as the referral will not be accepted.

Formal Attendance Meeting (FAM)

- Once the school has used informal meetings and offered appropriate early help and support, the attendance officer should arrange a Formal Attendance Meeting at the school. Schools must use the template invitation letter and follow the guidance in Appendix 1 to ensure letters are legally compliant.

IMPORTANT: The attendance member of staff who has been involved with the case throughout should conduct the meeting, agree the attendance contract and send the post-FAM letter, where required.

- Parents/carers must be invited to the meeting separately, in writing, by the attendance officer, with at least seven days' notice. Letters should be signed, copied or scanned, and retained as evidence as specified in Appendix 1. The letter should include the names of all children of compulsory school age in the family who attend the school and meet the absence threshold; separate letters do not need to be sent for each child.

IMPORTANT: Schools must be able to evidence that parents/carers were given reasonable notice of the FAM, which means at least seven days' written notice. The FAM invitation letter must be used, and the rearranged FAM letter must be used where appropriate. These letters may be used in evidence. If a FAM is rearranged by phone or another method, this must be followed up with the rearranged FAM letter.

- Where parents/carers live apart and there are concerns about domestic abuse or serious conflict between them, they should be invited to separate meetings.

- Where parents/carers are unable to attend a meeting at school, for example because of a disability, the meeting may take place at the parents' home address. The meeting must still be held in person so the attendance contract can be signed.
- During the meeting, complete the parents'/carers' details on the form with them to ensure the school's records are accurate and up to date. At the end of the meeting, give parents/carers a photocopy of the completed FAM form, including the signed attendance contract.
- After the meeting, the school must send each parent/carer a post-FAM letter (PF1), together with a copy of the completed form and the signed attendance contract.
- Each letter must be addressed to the individual parent/carer and sent in line with the instructions in Appendix 1.

Where parents/carers do not attend the FAM

- If parents/carers do not attend but request a new date, rearrange the meeting using the rearranged FAM letter. If the meeting is rearranged by phone or on a home visit, follow up by using the rearranged FAM letter. In both instances please follow the guidance on writing letters in Appendix 1.
- Do not rearrange the FAM more than twice. If parents/carers still do not attend, send the 'did not attend' post-FAM letter (PF2), removing the sentence about rearranging the meeting, and follow the guidance in Appendix 1.
- If parents/carers do not attend and do not request a new date, attempt to contact the family. If there is no contact or they don't want to attend, send the 'did not attend' post-FAM letter (PF2), following the guidance in Appendix 1.
- If parents/carers state that they will not attend a FAM, send the 'did not attend' post-FAM letter, removing the sentence about rearranging the meeting, and follow the guidance in Appendix 1.
- The FAM pro-forma includes an offer of an Early Help Assessment. If parents/carers accept this offer, arrange for the assessment to be completed, but continue with the Support First process. The formalised support stage may be paused where the school considers this appropriate, to give parents/carers an opportunity to improve attendance with support.

Attendance Contract

- Where parents/carers attend the FAM, the attendance contract should be completed at the end of the meeting.
 - The school must ensure the contents of the contract are agreed and signed by both parties before the meeting ends. If parents/carers refuse to sign, the appropriate post-FAM letter should be sent (PF3), following the guidance in Appendix 1. Without the parents'/carers' signature, no contract exists and the school is not required to follow the actions that were verbally discussed.

IMPORTANT: Where parents/carers do not attend the FAM, no contract exists and the school does not need to complete either the form or the contract.

- The school should review progress at least halfway through the agreed contract period, usually ten weeks, to consider whether attendance has improved and whether parents/carers and the school are meeting the agreed actions. If parents/carers have not complied with the contract, schools are encouraged to contact them and invite them to revisit the agreement, although this is not mandatory.
- If parents/carers indicate early in the contract period that they cannot meet the agreed actions, the school should arrange another FAM and amend the contract where appropriate. This option should only be offered once.

IMPORTANT: Where the school has agreed actions as part of the contract, those actions must be completed. If the school has not completed its agreed actions, it will not be able to refer the case to ELIT for enforcement if attendance does not improve.

- If only one parent/carer attends and two were invited, send PF1 or PF3 to the parent/carer who attended, as appropriate, and contact the parent/carer who did not attend to check if they want a rearranged meeting. Send the relevant post-FAM letter depending on whether that parent/carer then attends.
- The school should then monitor the child's attendance. If the child has 10 sessions of unauthorised absence within 10 school weeks after the post-FAM letter has been sent, allowing an additional two days for postage, the school must decide the appropriate next step.
- Schools should not wait for the full 10-week period if the threshold is reached earlier. If, after the monitoring period, there is further unauthorised absence but not enough to move to enforcement, parents/carers should be invited back into school for an informal meeting, unless the absence relates to at least five

days of unauthorised leave in term time. In that situation, schools should follow the 'Leave of Absence (Legal) Process'.

- For a first offence, where there have been no previous penalty notices or legal action, schools may issue a 'Notice to Improve' if there have been 10 sessions of unauthorised absence since the post-FAM letter was sent and a penalty notice may be appropriate. If the child has serious levels of unauthorised absence, the school does not consider a Notice to Improve would be helpful, or there have been previous penalty notices or legal action, the case should move to the enforcement stage.

Notice to Improve

- The '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. This is only in relation to first time offences.
- Where there are now 10 sessions of unauthorised absence since the post FAM letter was sent and the school believe a penalty notice may be applicable, schools can now issue a 'Notice to Improve'.

IMPORTANT: 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 send the Notice to Improve, schools must follow the instructions in Appendix 1.
- The school should now monitor the child's attendance for 6 weeks. Refer to ELIT 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 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.

(v) Step 3 - Enforcement (Referral to ELIT)

Schools should refer to ELIT only when one of the following thresholds has been met: the child has had at least 10 further sessions of unauthorised absence, excluding N codes, after the post-FAM letter and contract, where applicable, were sent, allowing at least two days for postage; or the 10-session threshold has been met, a Notice to Improve has been issued, and there has been further unauthorised absence within the six-week notice period.

Please note: referrals will not be accepted unless one of these criteria has been met.

Before referring, schools should check the referral checklist in Appendix 5.

IMPORTANT: Do not move to this stage unless the family has been offered an informal meeting and the school has attempted to capture the child's voice as an initial step. If this has not been completed, return to Phase 1, the 'facilitate support' stage, as the referral will not be accepted.

- Schools must complete the online 'Support First' referral form **no later than six weeks after one of the thresholds above has been met, or the referral may not be accepted.**
- The online referral form asks for specific information. Before starting the form, schools should have the following details ready:
 - the date the informal attendance support meeting was offered and the outcome of that meeting;
 - the date Section 6 of the Early Help Assessment form, or equivalent, was completed with the child. If it has not been completed, schools must explain why;
 - the Early Help interventions tried by the school, including key dates when interventions were offered and took place;
 - details of referrals or requests for support made to other agencies, including whether they were accepted;
 - any bullying allegations, however historic, and whether they were upheld;
 - explanations for any use of registration codes B, C, C2, K, Q, D, E or any Y codes during the intervention period. This information can be entered directly into the online referral form.

IMPORTANT: Do not attach early help assessments or Section 6 of the EHA to the referral. These documents are not required and must not be shared without consent under GDPR. Referrals will not be accepted if Early Help has not been offered, or if it has only been offered by letter.

The referral form must be completed accurately, and all questions must be answered fully and in detail, or the referral may not be accepted.

- The referral must include a **single PDF document** containing only the evidence listed below. Schools should not include additional documents unless requested later, as this helps limit file sizes:
 - 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, where applicable, together with the child's attendance printout;
 - a direct copy of the Notice to Improve, if one was sent;
 - attendance printouts for the current and previous academic years, including session comments where the school system allows;
 - communication logs with parents/carers for the current academic year, where available;
 - any relevant medical evidence provided by the parent/carer to the school.

IMPORTANT: If there has been no further unauthorised absence, or fewer than 10 sessions within the 10-school-week monitoring period, the process has been successful. If the pupil has further unauthorised absence in the term after the 10-school-week period has ended, parents/carers should be invited back into school for another FAM.

(vi) Outcomes

- On receipt of the referral ELIT will review the evidence provided and may contact the school with any queries.

IMPORTANT: Please 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 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 for legal intervention 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.
- Factors that could prevent a case from proceeding
 - incorrect register coding on the Attendance Certificate;
 - evidence that includes incorrectly recorded information, such as telephone calls or other arrangements with parents;
 - mistakes in correspondence sent to parents;

- cases which don't meet the 'public interest' test;
- evidence that is more than 6 months old;
- referrals made more than 6 weeks after the referral threshold has been reached either following the Post FAM or Notice to Improve has been sent;
- no response to ELIT requests for additional information;
- only one parent/carer being included where there is evidence that two carers are resident at the family home or in regular contact with the child.

(vii) School actions once a child has been referred (recently or previously)

- Even after a child has been referred to ELIT, the school's legal duties in relation to attendance and safeguarding remain unchanged. Schools should continue efforts to engage the family and support improved attendance.
- The school should continue working with any agencies already involved with the family and should continue to offer support where it has not previously been accepted.
- Where the school considers it appropriate, a 'Notification of an LA referral' letter may be sent to parents/carers. In some circumstances, such as where there has been verbal or physical abuse towards staff, the school may decide not to send the letter. Where used, the letter may help parents/carers understand the seriousness of the concerns and encourage engagement to improve attendance.
- Where parents/carers have previously received penalty notices or have been prosecuted under section 444 of the Education Act 1996, the steps in the Support First framework still apply if attendance has not improved. Schools should be aware that evidence periods for different offences cannot overlap, which may affect when further formal action can be taken.
- ELIT holds a database of previous prosecutions and penalty notices, which enables the team to decide the appropriate course of action if a further referral is received for the same parent/carer and child. In a small number of cases, schools may be asked to complete additional steps where required.
- Schools should keep their own records of referrals and outcomes, as ELIT may not always have capacity to provide this information if requested.
- If the school is working with a family in any of the circumstances described above and is unsure how to proceed, advice should be sought from the Education Legal Intervention Team using the contact details below:

Email: attendance@birmingham.gov.uk

Appendix 1 - Ensuring legal compliance when sending letters

Informal letters sent to parents/carers to offer support, invite them to an attendance support meeting, or raise concerns about attendance may be sent using the school's usual communication arrangements.

However, the letters listed below must follow specific rules so that ELIT can rely on them as evidence. These template letters must be used without changing the wording. A separate letter must be sent to each parent/carer in a separate envelope. The relevant letters are:

- Medical Absence letter;
- FAM invitation letter and rearranged FAM letter, including the attendance printout;
- post-FAM letter, including the attendance printout and legal information leaflet for parents/carers;
- Notice to Improve, where appropriate, including the attendance printout and legal information leaflet for parents/carers.

To ensure these letters are legally compliant, schools must:

- ✓ address letters using the full name of each parent/carer only. Letters should not be addressed to the 'parent/carer of' or to 'Mr and Mrs'. The names of all children of compulsory school age in the family who attend the school and are included in the process may be included on each letter; separate letters do not need to be sent for each child;
- ✓ ensure letters are signed by one officer, usually the attendance officer working with the family. Electronic signatures may be used, provided they are scanned signatures. Letters **must not** be signed by another person on behalf of the relevant attendance officer, including by using p.p.;
- ✓ include all enclosures specified for each letter;
- ✓ photocopy or scan the signed letters and any enclosures, such as the attendance printout, before placing them in the envelope, and retain the copies as evidence of intervention;
- ✓ keep a record of the date each letter was posted, together with the full name and address it was sent to. Many schools record this information on a dedicated spreadsheet;
- ✓ send the letters by first-class post. Letters must not be sent by recorded delivery or by email only, as parents/carers can refuse recorded delivery and emails cannot be relied on as evidence. A copy may also be emailed to parents/carers at the same time, but the original letter must be sent by post.

Appendix 2 - 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

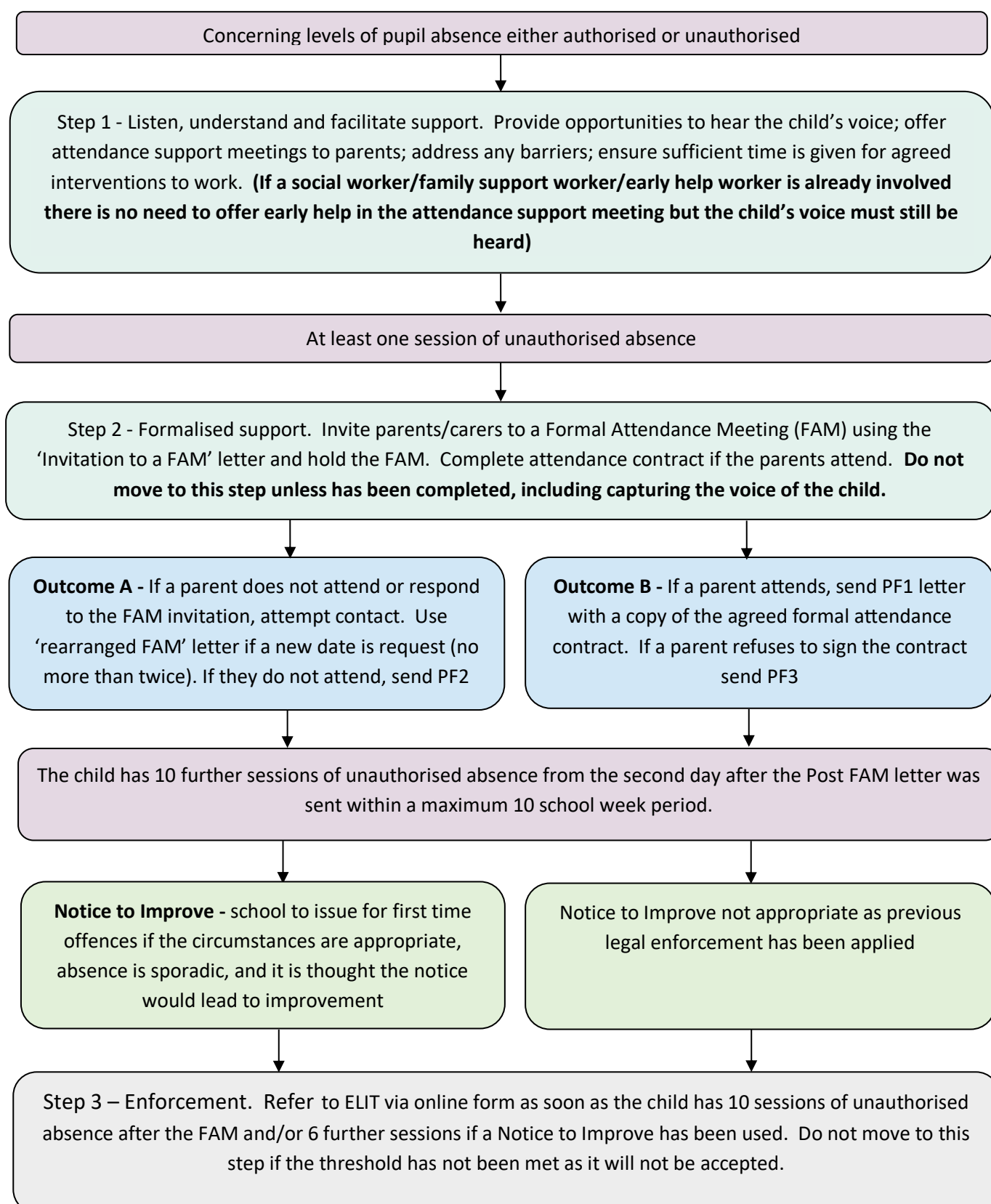
- Unauthorised absence occurs when schools either disagree with the reasons given by the parent for an absence or no reason has been provided. Only unauthorised absences can be used for the purposes of legal intervention.

Appendix 3 - Facilitating Support flowchart

1. Identify attendance concern	Use attendance data, school systems and professional judgement to identify patterns of absence or emerging barriers to attendance at the earliest opportunity.
2. Listen to and understand the child	Speak with the child in a safe space and complete Section 6 of the Early Help Assessment form / Signs of Safety work as appropriate. Act on any worries or barriers raised.
3. Engage parents/carers	Invite parents/carers to an informal attendance support meeting. If they do not respond, attempt further engagement, including a home visit where safe and appropriate.
4. Explore barriers and agree support	Discuss attendance, wellbeing and any in-school or external barriers. Agree practical actions, timescales and responsibilities with the family and relevant staff.
5. Offer Early Help where needed	Offer an early help assessment where appropriate. Include other practitioners already involved with the family and ensure attendance is included in any support plan.
6. Address specific barriers	Consider SEND, EHCP review, medical needs, emotionally based school avoidance/non-attendance, travel, bullying, family difficulties, caring responsibilities and other barriers.
7. Review impact	Monitor attendance and review agreed actions regularly. Where early help or family support is accepted, allow at least six weeks from the start of intervention for impact unless safeguarding concerns require earlier action except where accepted in the previous two years.
8. Decide next step	If attendance improves, continue support and monitoring. If support is refused, there is no response, or unauthorised absence continues after appropriate support, move to Step 2 – Formalised Support.

Schools must evidence that they have attempted to listen to the child, engage parents/carers, offer appropriate support, and review the impact before moving to formalised support.

Appendix 4 - 'Support First' Quick Guide (please refer to the full guidance)



Appendix 5 - Support First referral checklist

Before referring to ELIT, schools should ensure the following actions have been completed, where applicable:

Action required	Completed?	N/A?
Captured the child's voice at the start of the intervention by completing Section 6 of the Early Help Assessment, or an equivalent, and acted on any worries or barriers identified.		
Offered Early Help during an attendance support meeting with parents/carers. Where there was no response to phone calls or letters, attempted further engagement, including a home visit where safe and appropriate.		
Included both parents/carers where they live at the same address, or involved each parent/carer as appropriate where they live separately.		
Where the child has an EHCP, ensured the statutory review has taken place within the last 12 months, unless the EHCP was issued within the last year.		
Where the child has SEND or a SEND provision plan, reviewed the support regularly and confirmed that it continues to meet the child's needs.		
Used <i>#you'vebeenmissed</i> or other appropriate guidance where absence relates to emotionally based school avoidance/non-attendance. Support First should not move beyond Step 1 where parents/carers are working with the school to address EBSA/EBSNA, even if improvement has not yet been achieved.		
Where there is frequent illness absence and no known medical condition, advised parents/carers to seek GP advice and sent the Medical Absence letter using the guidance in Appendix 1 if absence continued.		
Updated the attendance register using I or M codes where suitable medical evidence has been provided.		

Confirmed that: - there has been at least one session of unauthorised absence after the Attendance Support Meeting and early help was offered and, where accepted, - after agreed support was arranged, given at least six weeks to make an impact, (unless the family accepted support from Birmingham Children's Trust within the previous two years).		
Gave each parent/carers at least seven days' written notice of the Formal Attendance Meeting using the required FAM invitation letter following the guidance in Appendix 1.		
If a parent/carers did not attend the FAM, attempted contact with them, and used the rearranged FAM letter if the parents request another meeting, using the guidance in Appendix 1.		
Completed the FAM form fully and asked parents/carers to sign the Attendance Contract where they attended the meeting.		
Sent the appropriate post-FAM letter using the guidance in Appendix 1, include a copy of the Attendance Contract where applicable.		
Confirmed that the referral threshold has been met: 10 sessions of unauthorised absence within the 10-school-week monitoring period after the post-FAM letter was sent, allowing two additional days for postage.		
Prepared a single PDF containing only the required referral evidence: - a scanned direct copy of the signed FAM invitation letter; - a scanned direct copy of the completed FAM pro-forma with the Parent/School Attendance Contract attached, unless parents/carers did not attend the FAM; - a scanned direct copy of the signed post-FAM letter, legal information leaflet, attendance		

contract where applicable, and the child's attendance printout; ▪ a scanned direct copy of the Notice to Improve, if sent; ▪ attendance printouts for the current and previous academic years, including session comments where available; ▪ communication logs with parents/carers for the current academic year, where available; ▪ any relevant medical evidence provided by the parent/carer to the school.		
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