

Included, Engaged & Involved

A Positive Approach to Promoting School Attendance

POLICY: September 2021

DRAFT



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1 Introduction

East Lothian Council is committed to providing the best education service in Scotland through a relentless focus on Inclusion, Achievement, Ambition and Progress for All. We aim to ensure East Lothian's children, young people and families are confident and resilient, and fully included as valued contributors within their schools and communities.

Good school attendance is the foundation of our ambition for our children and young people to reach their full potential and is fundamental to Getting it Right for Every Child and raising attainment for all. We recognise that promoting good school attendance can be a complex and multi-faceted issue and, in the production of this policy and associated procedures, a multi-agency approach has been adopted including input from Children's Services and Police Scotland.

The purpose of this document is to provide guidance to schools about positive approaches to promoting school attendance, school attendance procedures and alternative attendance arrangements. Staff in Early Learning and Childcare (ELCC) settings may find this policy useful as an indicator of good practice in the promotion of attendance and the prevention and reduction of absence.

1.1 Legislative Context

The Legislative and policy landscape includes, but is not limited to the following:

- *Included, Engaged and Involved Part 1: A Positive Approach to the Promotion and Management of Attendance in Scottish Schools (2019)* promotes a relational approach to consider what schools and local authorities can do to promote good attendance and manage absence to ensure all children and young people are included, engaged and involved in their education.
- *United Nations Convention on the Rights of the Child* recognises education as a key social and cultural right and has a crucial part in the alleviation of poverty and inequality. Article 28 (Access to Education) of the United Nations Convention on the Rights of the Child states that every child has the right to an education. Article 29 (Aims of Education) of the convention states that children's education should help them develop their personalities, talents and abilities. On 16th March 2021 the Scottish Parliament voted to incorporate the United Nations Convention on the Rights of the Child into Scottish law.
- *Standards in Scotland's Schools etc. Act 2000* states that it is the "right of every child to be provided with school education by, or by virtue or arrangements made, or entered into, by, an education authority". The Act also underlines the importance of taking into account the views of children and young people stating that the local authority shall "have due regard...to the views of the child or young person in decisions that significantly affect that child or young person."

- *European Convention on Human Rights – Article 2 of Protocol 1* this convention stresses a child or young person’s right to an education: “No person shall be denied the right to an education.”
- *Education (Scotland) Act 1980* states that it is the duty of parents to provide an education for their child. They can provide that education by sending the child to school or by other means. This is enshrined in Section 30 of this Act which states that it is the “*duty of the parent of every child of school age to provide efficient education ...either by causing him to attend a public school regularly or by other means.*” The Act also states that educational arrangements are “*without prejudice the choice afforded a parent*”. Local authorities also have duties placed on them through the Education (Scotland) Act 1980 which says: “*pupils are to be educated in accordance with the wishes of their parents.*” It is therefore incumbent on local authorities to listen to act upon the decisions that parents make about where they wish their child to be educated.
- The *Education (Disability Strategies and Pupil Records) (Scotland) Act 2002* Schools must make reasonable adjustments for the needs of disabled children and schools must not discriminate against disabled children. The Education Authority must prepare and implement an accessibility strategy to increase the access of its disabled pupils to the curriculum, extra-curricular activities, to school buildings and to information.
- The *Education (Additional Support for Learning) (Scotland) Act 2004* (and subsequent amendments in 2009 and 2018) outlines the concept of Additional Support Needs and the functions and duties that are placed on education authorities to identify and support those with needs
- The *Equality Act (2010)* simplified and strengthened previous protections for children and young people with ‘protected characteristics’ (e.g. age, race, disability and sexual orientation) from discrimination. This strengthened inclusion in education, including school trips and activities, for all children and young people regardless of their additional support needs or disability.
- The *Curriculum for Excellence* aims to provide a coherent, more flexible curriculum for all children and young people aged 3-18 years. The curriculum comprises the totality of experiences which are planned for children and young people wherever they are being educated. Entitlement includes: a coherent curriculum from 3-18 years; a broad general education until S3; a senior phase after S3 and personal support to enable them to gain as much as possible from the curriculum and support in moving into a positive and sustained destination beyond school.
- The *Children and Young People Act (2014)* has wide reaching powers to promote the Scottish Government’s aims to encourage effective and targeted services for children and families as well as the promotion of children’s rights. Through the Getting It Right For Every Child National Practice Model, the Act promotes cross-boundary models of service delivery to make best use of expertise and resources in an integrated way with the wellbeing of children and young people being paramount. The wellbeing indicators (safe, healthy, achieving, nurtured, active, respected, responsible and included) ensures that a holistic approach is taken to ensure the

wellbeing of all children and young people. The Act also introduced increased provision of early learning and childcare and a range of corporate parenting responsibilities to promote the wellbeing of children and young people in care.

- The *National Improvement Framework* for Scottish Education sets out the Scottish Government's vision and priorities for our children's progress in learning. The Framework, part of *the Education (Scotland) Act 2016*, is key in driving work to continually improve Scottish education and close the attainment gap, delivering both excellence and equity.
- *Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2017)* provides guidance on approaches that can be used to prevent the need for exclusion, ensuring all children and young people are Included, Engaged and Involved in their education and summaries the legislative duties placed on Local Authorities regarding exclusion from school.
- The *National Guidance for Child Protection in Scotland (2021)* outlines the responsibilities and expectations for all involved in protecting children in Scotland. The Guidance outlines the continuum of support for all children, from universal support through to protection from significant harm, underlining that the wellbeing and safety of children are indivisibly connected. There is a clear articulation of the importance of GIRFEC to protecting children, particularly in recognising that all children must receive the right help at the right time.

Throughout this policy the term parent(s) will be used to apply to anyone with parental responsibility, those providing a foster or residential placement, or the local authority where full parental responsibility rests with them as corporate parents. In the case of care experienced children and young people and those in kinship care, this is also taken to mean 'carer'.

Relevant national and local legislation, policy and guidance can be found in Appendices 1 and 2.

1.2 Key Rights, Duties and Principles

There are a number of key rights, duties and principles that underpin this policy:

- Every child and young person has a right to be provided with an education and this should enable them to develop their personalities, talents and abilities.
- Parents have a duty to provide education for their child either by ensuring they attend a local authority school, or by making alternative arrangements such as home education or sending their child to an independent school.
- Local Authorities and schools have a duty to provide adequate and efficient education provision in their area. They are also responsible for making special arrangements for a child or young person to receive education elsewhere if this is not possible.

- Children and young people normally engage in the weekly recommended 25 hours for primary and 27.5 hours for secondary.
- Getting it right for every child advocates preventative work and early intervention to support children, young people and their families through the provision of strong universal services, and partnership working with other services when needed. The approach supports children and young people's rights and involves children and young people in any decision that affect them in line with the core principles of UNCRC
- The National Child Protection Guidance 2014 indicates that all agencies that work with children and their families have a shared responsibility for protecting children and promoting, supporting and safeguarding their wellbeing. The importance of promoting good attendance at school is highlighted by concerns about the safety and wellbeing of children who are not at school. Child protection is of paramount importance and absence from school may indicate a child is at risk.
- All children and young people are entitled to support with their learning, where a need is identified, whatever their circumstances. Curriculum for Excellence entitles all children and young people to experience a broad general education during the period from the early years to the end of S3; to experience a senior phase from S4 where they can achieve qualifications; and support to enable them to gain as much as possible from the provision provided.

1.3 Impact of Poor Attendance

East Lothian Council recognise the cumulative impact that poor attendance has on a child or young person's learning and wellbeing. Poor attendance has been linked to lower levels of attainment; peer relationships; emotional and behavioural difficulties and poorer employment opportunities. This was found to be the case even when prior attainment and pupil characteristics were taken into account. Some initial studies have indicated that missing 10% of schooling (equivalent of 4 weeks) over the course of a year can impact on attainment.

Low levels of attendance can also be linked to how connected children and young people feel to their school community. Absenteeism can cause children and young people to feel a greater sense of isolation from their peers, teachers and schools which may result in being more socially withdrawn when returning to school (Gottfried, 2015)¹. Lack of school connectedness has been linked to a range of poorer outcomes including attainment, wellbeing and involvement in offending behaviours.

Attendance and participation with school can also be considered as protective factors for children and young people experiencing adversity or trauma and can support early intervention. For example, attendance at school was found to be a protective factor for children's mental health (Gao et al.,

¹ Gottfried, M. A. (2015). Chronic absenteeism in the classroom context: Effects on achievement. *Urban Education*, 54(1), 3-34.

2015)². While recognising that the links between attendance and these factors are not straightforward, there is still a clear case for demonstrating the importance of promoting good attendance in schools.

Time in School Lost

Pupil Attendance	Days	Weeks
90%	19	3 weeks, 4 days
85%	28.5	5 weeks, 3 ½ days
75%	47.5	9 ½ weeks

1.4 Attendance Tracking and Monitoring

East Lothian Council ensures early intervention and support when there are concerns about a child or young person's school attendance. Attendance tracking and monitoring procedures are shown in Flowchart 1 below.

When a child or young person's attendance falls below **90% in a four week period** and there are no mitigating factors schools, exercising professional judgement, should instigate a process of intervention and associated supports as outlined in flowchart 1.

If no improvement in attendance takes place over a 16 week period a referral to Children's Services should be made.

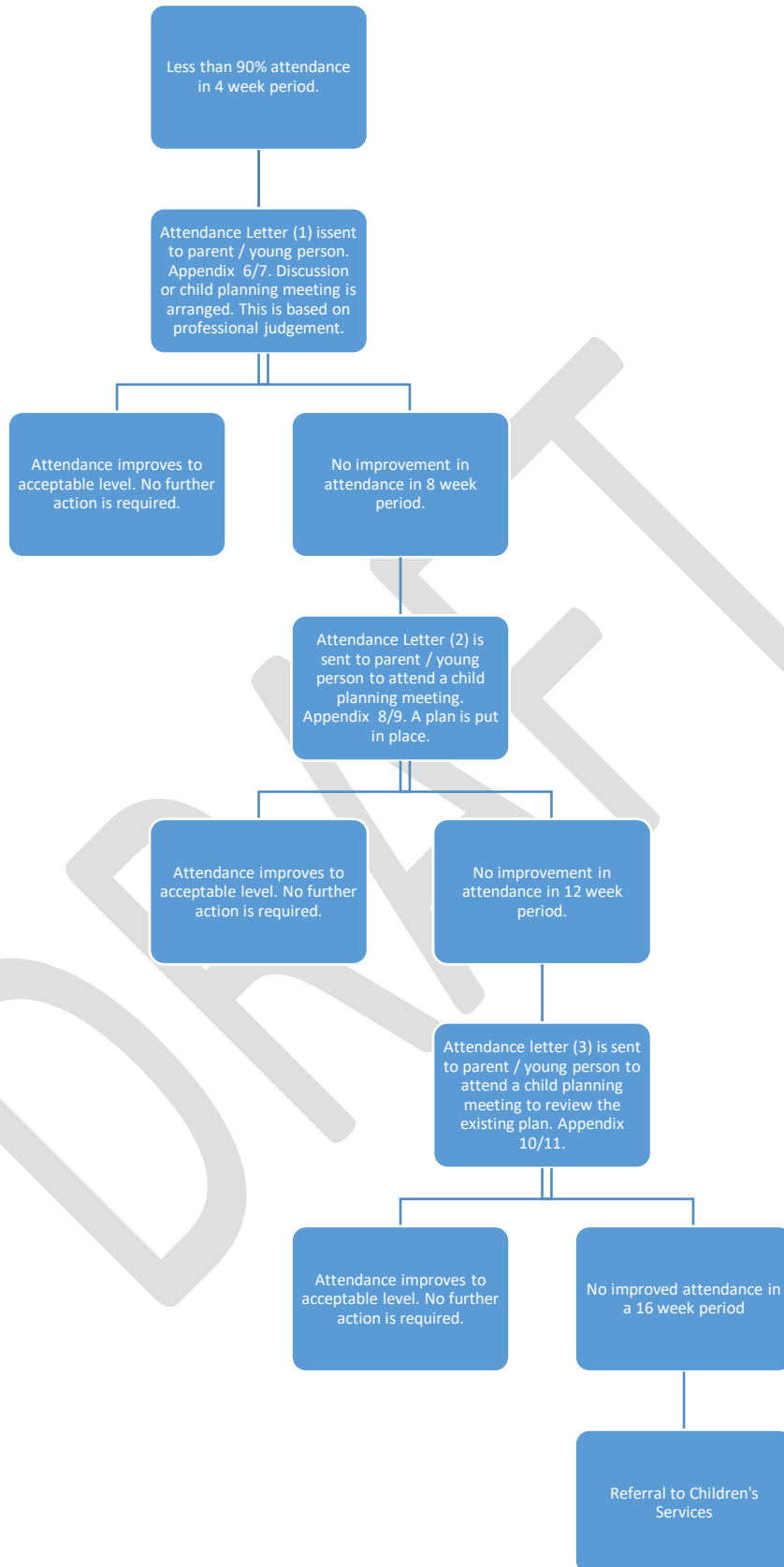
What Support Can Children's Services Provide?

- Where a referral has been appropriately made, children's services will offer an initial assessment
- Families may be referred or signposted to appropriate support and interventions
- If necessary, a short term piece of work building on the family's strengths will be carried out
- If children and young people require further support beyond this period, their names will go on a waiting list for longer term social work provision

Prior to any referral being made to the Children's Reporter schools must refer to Children's Services.

² Gao, Q., Li, H., Zou, H., Cross, W., Bian, R., & Liu, Y. (2015). The mental health of children of migrant workers in Beijing: the protective role of public school attendance. *Scandinavian journal of psychology*, 56(4), 384-390.

Flowchart 1: Attendance Procedure



2 Positive Approaches to Promoting School Attendance

Children and young people are more likely to be motivated to attend school when they feel fully included and engaged in the wider life of the school. Families are also likely to encourage full attendance where they feel part of the school community and where schools work alongside them as equal partners. Promoting attendance is a multifaceted task that requires schools to promote positive relationships within an inclusive ethos and culture.

The following key principles promote effective whole school approaches to ensuring good attendance:

- Welcoming educational establishments which prioritise positive and nurturing relationships underpinned by high expectations and core values
- Children and young people are fully included and engaged in the life of the school and understand that school absence affects attainment, achievement, wellbeing and wider outcomes
- Schools understand what barriers can be in place for children and young people's attendance, and work hard to remove these
- Schools have additional supports and strategies in place for children and young people who have additional support needs and/or are care experienced
- Promoting attendance is part of regular conversations with parents and children and young people and there is a common understanding that school absence affects attainment, achievement, wellbeing and wider outcomes
- Schools work collaboratively with families and partners to understand and remove any barriers to attendance for individual children and young people and intervene early to any emerging patterns of non-attendance
- Schools have in place clear procedures for monitoring the attendance of all children and young people
- Schools have clear and consistently applied measures for following up on unexplained absence and staff understand absence from school is a potential safeguarding risk and understand their role in keeping learners safe

2.1 Whole School Ethos and Culture

A culture where children and young people feel included, respected, safe and secure, where their achievements and contributions are valued and celebrated is essential to the development of good relationships. In order to create this environment for effective learning and teaching there should be a shared understanding of wellbeing underpinned by Children's Rights and a focus on positive relationships across the whole school community.

Climate and ethos are key determinants in promoting social and emotional wellbeing and positive mental health for everyone within the school community. The implementation of social and emotional programmes and initiatives as a whole school, with a universal approach can have a significant impact on school ethos and culture which can in turn impact positively on both school attainment and attendance. School attendance issues cannot easily be separated from the relationships, behaviours and wellbeing of the pupils and wider school community and it is important that schools view the promotion of attendance in this context.

There are a range of strategies, programmes and approaches which schools can and do use to improve relationships and behaviour and subsequently attendance. These include relationship based whole school approaches such as solution oriented approaches, restorative approaches and rights based learning. Schools have also found that the implementation of nurturing approaches based on nurturing principles, including nurture groups can improve the overall ethos and culture of a school and support pupils to feel more connected and engaged. Schools are increasingly recognising the impact that early adversity or trauma can have on children and young people and their families and are adapting their approaches to offer more nurturing and trauma informed supports which can help children and young people feel more included within their school environment.

The development of an anti-bullying approach is also a helpful contributor in preventing absence as it has been found that some children and young people's attendance can be impacted upon by bullying.

A rights based approach which takes account of the UNCRC and encourages children and young people's participation in their learning is also likely to ensure children are included, engaged and involved in their school and community, and therefore more likely to be motivated to attend.

2.2 Nurturing Schools

Nurturing approaches are underpinned by an understanding of attachment theory, which recognises the importance of early experiences in shaping children's social, emotional and cognitive development (Golding et al, 2016). When children and young people experience consistent safety, security and comfort from key adults, they develop the skills and desire to explore their environment and engage in learning opportunities.

Children develop cognitive models of how relationships work (called internal working models) based on their earliest attachment experiences. Internal working models guide behaviour and development in all future relationships. They help children to evaluate, predict and choose (what they think are) appropriate behaviours based on their previous expectations. These models are not consciously available to the child – the child may not know that this is how they feel about themselves the world and others – but they demonstrate their experience through behaviours.

‘The basic premise is that behaviour has meaning – whether it is provocative or reactive, or withdrawn and silent. Understanding the communication implicit in behaviour can protect the teacher from being adversely affected by pupil’s feelings and defensive patterns, and can thus enhance practice and pupil achievement.’

Geddes, 2006

Nurture is a broad approach that can be embedded throughout schools to support any child who may be facing a barrier to learning. A child or young person may experience an additional support need at any point, which may arise from a range of factors (disability or health, learning environment, family circumstances or social and emotional factors) and may be temporary or long-lasting. Nurturing schools create positive environments, where the ethos is focused on warmth, empathy and attuned interactions between all staff and pupils. They provide structure alongside consistently high expectations of all learners, recognising that all children can reach their full potential when given the right balance between care and challenge.

Nurture has a strong evidence base for supporting outcomes for children and young people, including:

- Improved skills for learning (Gerrard, 2005)
- Improved language and literacy skills (Hosie, 2013)
- Improved behaviour and social skills (Cooper & Tiknaz, 2005; Cooper & Whitebread, 2007)
- Positive changes in social and emotional functioning at home (Binnie & Allen, 2008)

In terms of nurture, early intervention is best for significant gains in social functioning and academic performance (Scott & Lee, 2009), which are maintained over time (O’Connor & Colwell, 2002).

Education Scotland’s [Applying Nurture as a Whole School Approach](#) provides a key framework to support schools to embed whole school nurture. Through a set of quality indicators and challenge questions, this framework supports schools to self-evaluate all areas of practice (e.g. leadership, learning and teaching, partnership working etc.) using the six nurture principles:



Embedding a nurturing approach can help support children and young people's attendance and engagement and prevent school exclusions. It is fundamental to inclusive practice. It is expected that all schools in East Lothian will move towards becoming Nurturing Schools.

2.3 Parental Engagement

East Lothian Council recognises that positive and trusting relationships with parents are key to ensuring good attendance. Parents are key partners in their child's education and it is particularly important that they are aware of their responsibilities and encouraged and supported to enable their child to attend school. Parents have a legal responsibility to provide efficient and suitable education to their child until he or she reaches school leaving age, which they may meet by ensuring that their child attends school regularly ([section 30 of the Education \(Scotland\) Act 1980](#)). Working in partnership with parents will ensure positive and trusting relationships are in place to realise this responsibility and reduce any barriers if they arise.

Parents should be given clear information by the school, updated on a regular basis, regarding their responsibility to inform the school if their child will be absent and provide current emergency contact information.

Schools and settings need to be aware of barriers that parents face in processing information, for example dyslexia and reading difficulties; memory and processing difficulties; living through traumatic situations. In particular, they may find it hard to discuss personal poor mental and physical health circumstances that are impacting upon their child's ability to come to school (either in practical terms or because their child is too worried about their parent to come to school).

In resolving any barriers to attendance, schools, parents and their children should work together to identify the skills, strengths and resources that they already have which can help them to reach a solution to any difficulties which may be hindering attendance. Schools should engage with the wider parent body to help understand any potential barriers within the community. The Parent Council may have a role in supporting this matter.

In discussing attendance with parents staff will maintain a practical focus that recognises the challenges that can be part of family life, such as balancing work commitments; or dealing with financial challenges that may occur. Schools should work with families to ensure that any barriers causing lateness and absence are supported and overcome as early as possible. This is especially the case for care experienced children and young people who can experience changes of placement at short notice.

2.4 Meeting Learners Needs

Schools should recognise and work to mitigate the particular challenges faced by specific groups of children and young people and the risks that these pose to their attendance at school.

The Scottish Government publication *Achieving Excellence and Equity 2021 National Improvement Framework and Improvement Plan* highlights the difference in attendance rates for particular groups of learners for example in 2018/19:

- The total attendance rate for Scotland was 93%
- The attendance rate was higher for primary schools (94.5%) than secondary schools (90.7%)
- Children and young people living in the 20% most deprived areas has an attendance rate 4.9% lower than pupils living in the 20% least deprived areas
- Children and young people who are looked after had a lower attendance rate (86.8%) than all pupils (93%) with the highest difference in secondary schools

Support for Learning: All Our Children and All Their Potential 2020 The Scottish Government publication chaired by Angela Morgan also highlights the barriers to attendance around attendance for children and young people with additional support needs: “In terms of attendance and absence, national attendance for all pupils is 94.1% whilst for pupils with additional support needs the national figure is 91.2%.”

When identifying and addressing barriers to attendance, schools should also be aware of the particular challenges faced by particular groups of children and young people with protected characteristics, including those with:

- Care Experience
- Additional Support Needs
- Caring responsibilities
- Gypsy / Traveller ethnicity or identity
- Support from Children’s services including on the Child Protection Register
- Health Care needs
- Socioeconomic deprivation
- LGBTQ+

East Lothian schools recognise that poor attendance can often be related to, or be an indication of, an additional support need and they will use the Child's Planning Framework to ensure that any barriers to learning are identified and appropriate support is provided in agreeing and maintaining an appropriate pattern of attendance.

2.5 Curriculum Design

Curriculum for Excellence promotes creativity and innovation in curriculum design. This includes opportunities for interdisciplinary engagement and active learning, collaboration and partnership in delivering individualised curriculum pathways to meet the needs of all children and young people. Schools must support children and young people's engagement and attendance through offering a coherent 3-18 curriculum that builds skills in literacy, numeracy and health and wellbeing. This should include a range of work based learning and wider achievement and qualifications beyond the SQA menu of choice. Partners from sectors within and out with the local authority should, where possible, support schools in providing packages of support to engage children and young people.

The National strategy 'Developing the Young Workforce' promotes opportunities for career education, work placements and industry experience as part of the formal educational offer. Schools should have in place programmes of learning with vocational and work experience elements in collaboration with partner agencies to ensure young people are fully engaged and involved.

East Lothian works is the dedicated education employability service for East Lothian Council and will support schools to intervene early and ensure that every young person achieves a positive destination upon leaving school.

Educational provision delivered by partners outside school should be overseen by school staff and included in a learner's attendance records in line with the scope of this policy.

2.6 Pastoral Care

All staff have a role to play in promoting good attendance and helping to reduce absence from school. Schools will ensure regular access to Continuous Professional Development for all staff around areas such as promoting positive relationships; parental engagement; and learner participation can help schools to develop practice that will support good attendance.

A child or young person's Named Education Contact has a particular role in promoting good attendance and they should:

- Foster positive and trusting relationships with children and young people and their parents to prevent difficulties arising and to ensure difficulties are discussed and resolved when they do take place;
- Respond quickly to absence, to ensure children and young people are safe and well;
- Be aware of early signs or concerns which may cause absence and use the Child's Planning Framework to assess, identify and evaluate appropriate interventions;

- Work to ensure absence does not become a pattern or habit following a specific issue and;
- Support reintegration into learning on returning from absence.

2.7 Self Evaluation

East Lothian schools should have a clear vision and strategic plan to promote and manage attendance. This should include identified staff and systems to support the tracking and monitoring of attendance and robust procedures for responding to absence.

Schools should be guided by the principles of self-evaluation to ensure that they meet the needs of all children and young people to promote good attendance for all. This is particularly important for children and young people who face particular barriers as outlined above (see section 2.2).

The self-evaluation toolkit (see Appendix 13) should be used by schools to review and develop their strategic approach to promoting good attendance. The toolkit draws on the level five illustrations, features of highly effective practice and challenge questions from a range of the quality indicators in How Good is Our School (4th Edition) pertaining to promoting and supporting attendance. This will allow schools to reflect and evaluate their work and use evidence from these activities to plan future improvements.

An East Lothian Council SEEMIS monitoring group will track and monitor figures on a monthly basis to develop an overview of attendance and provide support to schools to develop good practice in promoting attendance and responding effectively to absence.

3 School Attendance Procedures

3.1 Recording Attendance

East Lothian Council have clear protocols and procedures in place to support schools with the recording and management of attendance using SEEMIS. The latest version of the attendance and absence codes are available for schools to access through the Management Information Centre on Education Exchange. Notifications are also issued to schools by the Information and Research team when there are updates to the codes, including updated notes on the appropriate use of codes.

There is a legal responsibility for schools to complete and maintain accurate registers of school attendance. Class teachers are responsible for completing registers for the children and young people attending their classes and this should take place at least twice per day. Schools, having due regard to the welfare, wellbeing and health and safety of children and young people, must be in a position to account for those present or out on an organised activity at all times.

East Lothian Council is required to report on school attendance statistics regularly to the Scottish Government.

3.2 Definition of Attendance

The Scottish Government (2019) has defined attendance as the “participation in a programme of educational activities arranged and agreed by the school”

This includes, but not limited to:

- Attendance at school
- Learning out with the school provided by another learning provider while still on the school roll
- Educational visits, excursions and residential visits
- Interviews and visits relating to further and higher education or careers events
- Debates, sports, musical or drama activities in conjunction with school
- Study Leave for learners participating in National Qualifications, if arranged by the school during the period of examination timetable
- Receiving education via hospital or outreach teaching services
- Work Experience or volunteering

3.3 Authorised Absence

The schools Senior Management team can authorise absence when they are satisfied by a legitimate reason for the request.

Reasons for authorised absence can include:

- Illness
- Medical and dental appointments
- Meetings prior to, and during court appearances and other legal processes
- Attendance at, or in connection with, a Children’s Hearing or Care Review, or appointment with another service provider, e.g. social worker
- Religious observance
- Bereavement
- Weddings or funerals of close friends and family
- Arranged absence in relation to children in Gypsy/Traveller families
- Participation in non-school debates, sports, musical or drama activities agreed by the school
- Lack of transport – including due to bad weather
- Family recovery from exceptional domestic circumstances or trauma
- Period of exclusion to be recorded in a separate category
- Extended leave with parental consent including some young carer activities
- Family holidays – in **exceptional** circumstances, usually related to the profession of a parent

3.4 Children and Young People Unable to Attend School Due to Prolonged Ill Health

For some children and young people, their learning is interrupted due to prolonged ill health. This can be for a single block of time or for a number of episodes. Although not an exhaustive list, this can be as a result of: accidents or trauma, chronic, long term, life limiting or terminal conditions, mental health issues, and conditions which require repeated medical intervention, such as dialysis.

A child or young person absent from school through ill health may receive treatment in a variety of settings, such as a paediatric hospital, an adult hospital, a mental health facility, their own home or in a different school. In some cases, this may mean that the child or young person travels to a hospital which is located beyond the local authority area in which they live or in which they are educated. Education may be provided in any and all of these settings and the responsibility for doing so remains with the child or young person's home authority.

Legislation requires local authorities to make special arrangements for children absent from school through ill health without undue delay. The main emphasis in the initial period of absence for children or young people will be on recovery of the child or young person's fitness and health and the time for this will vary. However, where possible, absence should not lead to a reduction of education provision which would have a detrimental effect on the child or young person's progress.

Where a child or young person's illness is known, or reasonably thought, to be likely to extend **beyond 5 days**, then education should proceed immediately, if medical assessment permits. This is of particular importance for children and young people who require recurrent admission to hospital, even for relatively short periods.

Where there is less certainty over the possible length of any absence, education out with school should commence at the earliest opportunity and certainly **no more than 15 working days of continuous or 20 working days of intermittent absence**.

Within the Child's Planning Framework, the Named Education Contact has a key role for maintaining communication with parents and carers and the child or young person. It is paramount that they identify what kind of work the child or young person can manage, in what format the work needs to be presented and what kind of contact the child or young person needs with school – both in terms of academic support and social support from peers. They will also work with appropriate professionals to help facilitate the child or young person's return to school, which may take place on a phased basis over a period of time, and what supports will be required once they are back in school.

Further information on supporting children and young people impacted by prolonged ill health can be found at: [Education of children unable to attend school due to ill health: guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/Topics/education/children/ill-health)

3.5 Diverse School Communities

Some groups of children and young people may require authorised absence because of their religious or cultural practices or family's mobility.

Children and young people of all faiths may take authorised absence to enable them to participate in religious observance. In some cultures, family celebrations are major events which may require children or young people to travel overseas. In these circumstances schools should code this as '**EXL – Extended Leave with Parental Consent**' which allows them to remain on the school register and prevents school attendance data being negatively impacted.

When a school is notified that Gypsy/Traveller children or young people are leaving to travel, the school should record their absence as '**EXL – Extended Leave with Parental Consent**'.

If the school has not been notified that Gypsy/Traveller children or young people are leaving to travel, the school should record their absence as '**TBC – To be Confirmed**' until school have confirmed that they are travelling.

Further information on supporting inclusive educational approaches for travelling cultures is available in [Improving Outcomes for Children and Young People from Travelling Cultures](#).

3.6 Unauthorised Absence

Schools should record an absence as an unauthorised absence where no satisfactory reason has been provided. Unauthorised absence can include:

- Absence with parental awareness in specific circumstances. This may be because a parent believes their child will benefit from participation in an alternative activity. Sometimes, parents allow absence because they are in dispute with the school or believe the school is failing to act in the best interests of the child or young person.
- Family holidays during term time. Family holidays should **not** be recorded as authorised unless in **exceptional** circumstances. Exceptional circumstances include where a parent's employment is of a nature where school holiday leave cannot be accommodated. Such employment may include armed forces, emergency services or professions where parents are required to work away from home for extended periods.
- Occasional absence without parental awareness. Consistent and vigilant school based processes are essential for safeguarding children and young people. Follow-up action must be taken following identification of a child not in school without their parent's knowledge.
- Longer term absence due to school related or for home and wider issues
- Absence relating to substance and alcohol misuse. In this and the above case, the named education contact should use the Child's Planning Framework to assess and support the child or young person's wellbeing needs.

The SEEMiS code '**TBC - to be confirmed**' should only be used for unexplained absence when staff are marking a pupil absent in registration and they do not yet know the reason for the absence. This has been set as the default absence mark in registration screens in SEEMIS Click & Go for all East

Lothian schools and must always be updated as soon as possible by the office staff when the actual reason is known. **TBC** will count as a truancy in SEEMIS in a pupil's absence record and in the statutory reporting for the school's absence statistics if it is not changed.

3.7 Compulsory Measures

East Lothian Council is committed to ensuring that efforts to improve outcomes for children involve an appropriate and proportionate level of intervention. Measures for compulsion are expensive processes which are time consuming and can lead to further unnecessary interventions into family life.

Measures for compulsion can be used when multi-agency efforts through the Child's Planning Framework to improve attendance have been exhausted. Further details of measures can be found at Appendix 3.

Where a child or young person fails to attend school regularly without a reasonable excuse, a referral to the Reporter can be made under [section 67\(o\) of the Children's Hearing \(Scotland\) Act 2011](#). This option may be appropriate where there are a range of other concerns which together with non-attendance, form grounds for referral.

Before reaching a decision to proceed to an initial referral, East Lothian schools will work together with children's services and other partners to complete a thorough assessment, through the Child Planning Framework, to ensure that all other options have been exhausted.

Prior to any referral being made to the Children's Reporter schools must involve Children's Services.

If the Reporter considers that compulsory measures of supervision are necessary, the matter will be referred to a Children's Hearing for a decision.

Attending a children's hearing can be a stressful experience for a child or young person, and there is little evidence that imposition of legal sanctions improve attendance. It should therefore be seen as last resort.

3.8 Children and Young People Missing from Education.

Children and young people missing from education are defined as those of compulsory school age who are not on a school roll or being educated in an alternative provision such as at home or in a private provision. It may also include those who have not attended school for a period of time.

Children and young people missing from education are at particular risk of underachievement and becoming victims of abuse, exploitation or radicalisation. Figures obtained by the *BBC* in 2014 stated that in excess of 2600 children and young people disappeared from Scottish schools for a prolonged period of time and some were never found. Research from *Who Cares Scotland* highlights the particular vulnerability of children and young people with care experience. In 2018 a reported 1,935 children went missing from care in Scotland.

In line with the principles of GIRFEC, East Lothian Council is committed to working in partnership with colleagues from other agencies to prevent our children and young people becoming missing from education.

In all cases when a child or young person's absence is unexplained and there are associated child protection concerns, schools must **initiate child protection procedures** without delay.

If a child or young person's absence is unexplained and they have a Lead Professional, they should be notified, in writing, without delay. Children and young people most likely to have a Lead Professional include those who are:

- the subject of a Statutory Order;
- the subject of a Child Protection investigation;
- on the Child protection register;
- 6 months post registration of the Child Protection register;
- on an interim compulsory supervision order or compulsory supervision order or
- the subject of an assessment surrounding possible accommodation (cusp of care).

If there are no child protection concerns and the child or young person does not have a lead professional schools should use the SEEMiS Group Call function and contact the emergency contacts on the first two days of an unexplained absence to ascertain the reason for it.

On the third day, if no contact has been made with the child or young person's parent, the school should call the social work contact centre by 11am on 01875 824 309 and ask to speak to the attendance worker. The information given will be assessed by the team leader who will decide if a home visit is required by a family support worker. The decision may also be taken to make a referral to Police Scotland, Public Protection Unit / Missing Person Co-ordinator to investigate.

Based on the Named Education Contact's knowledge of the child or young person and their family circumstances, within 4 weeks of the child or young person's last day at school, a referral to Children Missing from Education Service should be made. Contact: cme_scotland@gov.uk.

The Children Missing from Education (Scotland) Service provides guidance and advice on good practice concerning cases of children missing from education, and checks the national electronic School2School transfer system (S2S) to see if the child has enrolled at another publicly funded school in Scotland. The CME Service facilitates agreements between local authorities, national agencies and partners in England, Wales, Northern Ireland and Ireland to allow exchanges of information, and will support local authorities in using these agreements.

During this time Children's Services will continue to assess the situation and link in with education to decide on the next steps.

If, following multi-agency discussion, it is agreed that the child or young person is missing from education SEEMiS should be updated to show the child / young person's removal from the school roll. See Appendix 4 SEEMiS School Leaver Process for guidance.

Children's Services will ensure the child or young person is logged in Mosaic as missing from education.

Further information from the Scottish Government on Children Missing from Education can be obtained at [Schools: Children missing from education - gov.scot \(www.gov.scot\)](http://www.gov.scot)

3.9 Attendance Beyond Statutory School Leaving Age

School leaving arrangements are defined in terms of the Education (Scotland) Act 1980. There are two dates: 31 May and the first day of the Christmas holiday period (or 21 December, if earlier) are the statutory summer and winter leaving dates in each year.

Summer Leaving Dates:

- A pupil whose sixteenth birthday is on or after 1 March but before 31 May can leave school on 31 May.
- A pupil whose sixteenth birthday is on or after 31 May but before 1 October can leave on 31 May.

Winter Leaving Dates:

- a pupil whose sixteenth birthday is on or after 1 October but before the first day of the Christmas holiday period can leave school on the first day of the Christmas holidays (or 21 December if earlier)
- a pupil whose sixteenth birthday falls after the winter leaving date but before 1 March can leave school on the first day of the Christmas holidays (or 21 December if earlier)

Young people, who choose to stay on at school beyond school leaving age, and their parents should be strongly encouraged to consider their continued commitment to full attendance - defined as *“participation in a programme of educational activities arranged and agreed by the school”*.

East Lothian schools will consider the flexibilities of Curriculum for Excellence and the support provided by Developing the Young Workforce programmes to work with young people and their parents to plan a programme of learning which is best suited to the personal development of the individual, and encourages them to engage in working towards their next step beyond school.

There should also be ongoing support and encouragement for young people to ensure their sustained commitment and engagement to their plan.

For young people in the sixth year of their secondary education, there is a balance between continued achievement and attainment and the desire for increased independence, often afforded in the final stage of secondary schooling, in preparation for post school destinations. It is recommended that a young person’s individual timetable in sixth year should provide a minimum of two thirds of the fulltime timetable. This can be comprised of National Qualification classes and opportunities for wider achievement.

Attendance must also be monitored to ensure proper entitlement to the Education Maintenance Allowance (EMA). The EMA is a means tested weekly payment, paid directly to children or young people who stay on at school, and is designed to help overcome financial barriers which otherwise may prevent them from staying on.

4 Alternative Attendance Arrangements

Curriculum for Excellence promotes flexibility in the curriculum and allows schools to personalise learner journeys to meet the needs of all children and young people. When an alternative to traditional attendance at school is requested, it should be considered in relation to the child or young person's wellbeing needs and supported by the Child's Planning Framework. All decisions to grant an alternative attendance arrangement should be underpinned by a child or young person's right to an education as outlined by United Nations Conventions on the Rights of the Child.

4.1 Home Education and Flexi Schooling

Parents can make a request to East Lothian Council to withdraw their child from an East Lothian school. This can be on a full time basis for the purpose of home education or for part of the child or young person's time at school as a flexi schooling request.

Under section 35 of the Education (Scotland) Act 1980, the parents of a child or young person who has been attending an East Lothian School must seek local authority consent before withdrawing the child or young person from school. East Lothian Council must not unreasonably withhold this consent.

When considering these requests, East Lothian Council is guided by the Article 18 of United Nations Convention on the Rights of the Child, the child or young person's voice and the necessity to take a child centered approach. East Lothian Council is also guided by the duties, obligations and rights of the parents and its own legislative and policy position.

There are a variety of reasons why a parent may decide to withdraw their child or young person from school. Although not an exhaustive list, some reasons include:

- The wish to follow a particular educational or ideological philosophy.
- Religious or cultural beliefs.
- Dissatisfaction with the system.
- A child's reluctance to go to school.
- A child's problems when at school, e.g. bullying.
- Geographical – due to remoteness, or mobility for work or cultural reasons.
- The wish to deal with a child's additional support needs in a particular way.
- As a short term intervention for a particular reason.

Parents do not have to give a reason for choosing to educate their child or young person at home, however, it is helpful for the school and East Lothian Council to understand the reasons. When requesting to withdraw their child or young person from school, consent is given on how the parents intend to educate their child or young person at home, not their reason for doing so.

There are circumstances in which parents do not need to consent to home educate their child or young person. This includes when the child or young person:

- has never attended a local authority school;
- has never attended a local authority school in the local authority area;
- is being withdrawn from an independent school;
- has finished primary but not yet started secondary school or if
- the school they were attending has closed.

For children and young people with Additional Support Needs, East Lothian Council has no legal duty under The Education (Additional Support for Learning) (Scotland) Act 2004 and subsequent amendments to provide additional support to children and young people who are educated at home. The parent has responsibility for meeting these needs.

In the case of flexi schooling requests, the school has no oversight of the quality or reporting on educational provision, achievement or attainment across the curriculum for the periods that the child or the young person does not attend school. The school has no responsibility to provide support for any learning missed while the child or young person is not attending school whilst being flexi schooled.

Flexi-schooling is different to a part-time timetable where East Lothian Council has the full responsibility for providing the child or young person with an education. East Lothian schools follow Curriculum for Excellence and use the East Lothian Council curriculum frameworks for learning in every subject area to track pupils against national and local benchmarks. With any flexi schooling arrangement, teachers would need to liaise and meet regularly with the families providing aspects of the curriculum in order to get a full picture of a child's attainment across subjects and to plan next steps. Overall, schools do not have the capacity to do this making it challenging for flexi schooling to be supported.

The decision to agree a flexi schooling request is taken by the Head of Education. It can be granted in exceptional circumstances and usually for a specified period, for example when a child or young person has a complex or enduring medical condition or to support a transition to school following a period of home education.

For flexi-schooling requests, the Named Education Contact or Lead Professional, where relevant, should convene a Child Planning Meeting to discuss its suitability. The associated Child's Plan and targets agreed during this meeting must accurately reflect the flexi schooling arrangements and this should be supported by any other professionals or agencies working with the child or young person.

The child or young person's attendance pattern must be accurately recorded on SEEMiS using the code '**SNA – Should Not Attend**' for the periods that it has been agreed that the child or young person should not attend.

In the cases of request for withdrawal from school to home educate and for flexi schooling parents should, in the first instance indicate their intention to East Lothian Council in writing to: educationenquiries@eastlothian.gov.uk.

To support their request, parents should be provided with the checklist of information needed in Appendix 5. The request should give consent to East Lothian Council to contact any other agencies who are working with your family to discuss this request, if appropriate. Other agencies may include social work or health. It should also include a section for your child or young person (if aged over 12 and with the capacity to do so) to record their views about this request. Although not required, it is also helpful if the parent outlines their reasons for the request.

On receipt of all of the supporting information for the request, East Lothian Council will convene a panel to consider this and make a decision. In the case of flexi schooling requests, the paperwork and plans resulting from the Child Planning Meeting should be submitted to Education Enquiries mailbox to assist the decision making process. East Lothian Council will draw on its own records and those of other agencies.

Specific incidences which will warrant further investigation include if the child or young person:

- has been referred to social work or the police on child protection grounds and the matter is being investigated;
- is on the child protection register;
- has been referred to the reporter on care and protection grounds or
- is subject to a supervision order.

On receipt of this request East Lothian Council will acknowledge this. A decision, in writing, will be issued to the parent and child or young person, if aged over 12, within six weeks.

If East Lothian Council is satisfied with the request, consent will be granted. If East Lothian Council is unsatisfied of the request, the parent will be given an opportunity to address any specific concerns. If East Lothian Council is still unsatisfied, consent will not be granted.

When consent to home educate has been granted, the Scottish Government recommends that East Lothian Council makes contact with families on an annual basis. This will normally be done through a written submission from the parent which confirms that suitable and efficient education is being provided. If the parent wishes to discuss this in more detail with East Lothian Council, they can request a meeting by contacting educationenquiries@eastlothian.gov.uk. This is a supportive measure with the intention of promoting positive relationships. East Lothian Council will also seek to make written contact with the child or young person on an annual basis. These are not legislative requirements.

The Education (Scotland) Act 1980 makes provision for when East Lothian Council becomes unsatisfied that children or young people are not receiving educational provision which is efficient and suitable to their age, ability and aptitude.

If, having gathered sufficient information and evidence, East Lothian Council is unable to satisfy themselves of the suitability and efficiency of a child or young person's education they shall serve a notice to the parent in accordance with the Education (Scotland) Act 1980. The parent shall have between 7-14 days to provide East Lothian Council with additional information. If this information does not satisfy East Lothian Council an attendance order will be served.

4.2 Part Time Timetables

East Lothian Council recognises the right that all children and young people have to an education which meets their needs. For the overarching majority of children and young people this will be through full time attendance at school.

There are **exceptional** circumstances in which the needs of some children and young people are best met through part time attendance at school. This will include:

Condition	SEEMiS Code
A medical condition which prevents a child or young person's full time attendance at school and they are unable to undertake any other learning when they are not in school.	PTH
Where a child or young person has become significantly disengaged from school and part time attendance is agreed as a suitable intervention for their reintegration back into school. There is concern that full time attendance may increase the likelihood of exclusion.	SNA
To support a return to school following a period of exclusion.	PTX

The purpose of a part time timetable is to:

- Create a bespoke support package in response to meeting the learning and wellbeing needs of a child or young person.
- Help a child or young person re-engage with their learning and school community.
- Allow a child or young person to develop relationships with key adults who are supporting them.

In all cases, a part time timetable must be:

- supported through the Child's Planning Framework;
- in full consultation with the parent and child or young person. With the parental agreement that they are taking responsibility for their child when they are not in school;
- discussed with other agencies involved in the life of the child or young person including social work and health;
- a temporary measure which is reviewed as minimum every 8 weeks with a clear vision for full time reintegration into school;
- planned to build on the child or young person's strengths and positive relationships that they have in school;
- planned to incorporate learning opportunities in literacy, numeracy and health and wellbeing and
- able to safeguard and protect a child or young person. This is a paramount consideration for ALL children and young people and particularly so for vulnerable children and young people with social work support or who are care experienced.

4.3 Hosting Arrangements

A hosting arrangement involves placing a pupil at another East Lothian mainstream school (host school), other than the one at which the pupil is enrolled (base school).

This arrangement takes place over a defined period of time and if considered successful by both the base school and host school, the pupil will be enrolled on the register of the host school permanently. During the period of hosting they remain on their base school's roll.

The rationale for hosting is based on:

- Maintaining pupils in mainstream education, where appropriate.
- Minimising any loss of education.
- Providing a 'fresh start' to pupils where this is felt to be appropriate.

Successful hosting arrangements are dependent on all those involved having key information about the pupil, and being very clear on the roles and responsibilities of the base school and of the host school. Hosting arrangements should be part of a wider package of support put in place through the Child's Planning Framework.

Hosting arrangements are **not short-term punitive placements**. Hosting arrangements should be planned with an expectation of a permanent move.

Hosting will be considered for a child or young person who has:

- been excluded on a number of occasions and it has become increasingly difficult to find effective strategies to maintain a place in the 'base' school. Clear evidence is available that a wide range of strategies have already been tried.

OR

- circumstances which indicate that a 'fresh start' is an appropriate strategy. Clear evidence as to why a 'fresh start' is a positive option should be available.

To arrange a hosting agreement:

- Hosting arrangements are agreed and organised between the Head Teacher of the base school and the Head Teacher of the host school.
- The availability of a hosting arrangement should be known prior to discussion with parents and the child or young person. Professionals should not raise unrealistic expectations prior to a hosting arrangement being confirmed.
- When a hosting arrangement is identified, all arrangements must be discussed at a Child's Planning Meeting. The base school, parent, child or young person and agencies involved must attend and be in agreement with a hosting arrangement option.
- If the parents or the child or young person are not in favour of a host arrangement then alternative options should be discussed through Child's Planning Framework.

- The parents must be able and willing to support the host arrangement (including transportation) and see this as a measure to resolve the difficulties presented/experienced by the child or young person.

If the hosting arrangement is agreed:

- The base school will be responsible for ensuring that all necessary information is collated for transfer to the host school.
- This timescale should be weeks rather than months. In some cases the timescale may require to be extended to see progress.
- The named education contact from the base school should liaise with the host school; attend key meetings and co-ordinate the transfer of information.
- The host school will identify a named education contact who will seek information from the base school to ensure that the pupil settles into the host school.
- A Child's Planning meeting will take place to monitor the hosting arrangement.
- The young person must be presented for examination through his/her base school.
- The decision to enrol the pupil at the host school will be taken by the Head Teacher of the host school.

In the case of a hosting arrangement concluding with the child or young person returning to their base school, the base school will assume all responsibility for the child or young person regardless of the timescale within the hosting arrangement.

Appendix 1: Relevant National Legislation and Guidance

- Included, Engaged and Involved Part 1: A Positive Approach to the Promotion and Management of Attendance in Scottish Schools <https://www.gov.scot/publications/included-engaged-involved-part-1-attendance-scottish-schools/>
- Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions <https://www.gov.scot/publications/included-engaged-involved-part-2-positive-approachpreventing-managing-school/>
- Adverse Childhood Experiences: Action to prevent adverse childhood experiences where we can, and tackle their impact <https://www.gov.scot/publications/adverse-childhood-experiences/>
- Behaviour in Scottish Schools Research 2016 <https://www.gov.scot/publications/behaviour-scottish-schools-research-2016/pages/10/>
- Children and Young People Improvement Collaborative <https://www.gov.scot/policies/improving-public-services/children-and-young-peopleimprovement-collaborative/>
- CSE the signs – child sexual exploitation <http://csethesigns.scot/>
- Developing a positive whole school ethos and culture: relationships, learning and behaviour <https://beta.gov.scot/publications/developing-positive-whole-school-ethos-culturerelationships-learning-behaviour/>
- Developing the Young Workforce [https://education.gov.scot/scottish-education-system/policy-for-scottish-education-drivers/Developing%20the%20Young%20Workforce%20\(DYW\)](https://education.gov.scot/scottish-education-system/policy-for-scottish-education-drivers/Developing%20the%20Young%20Workforce%20(DYW))
- Getting it right for every child <https://www.gov.scot/policies/girfec/> Home Education Guidance – Guidance for parents and local authorities on home education <https://www.gov.scot/publications/home-education-guidance/>
- Improving educational outcomes for children and young people from travelling cultures <https://www.gov.scot/publications/improving-educational-outcomes-children-youngpeople-travelling-cultures/>
- Mental Health strategy – CAHMS [https://www.nes.scot.nhs.uk/education-and-training/by-discipline/psychology/multiprofessional-psychology/child-and-adolescent-mental-health-services-\(camhs\)](https://www.nes.scot.nhs.uk/education-and-training/by-discipline/psychology/multiprofessional-psychology/child-and-adolescent-mental-health-services-(camhs))
- National guidance for child protection in Scotland (2021) [National Guidance for Child Protection in Scotland 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-guidance-for-child-protection-in-scotland-2021/)
- National Improvement Framework <https://www.gov.scot/policies/schools/national-improvement-framework/>
- Parentzone <https://education.gov.scot/parentzone>
- Respect for All: The National Approach to Anti-Bullying for Scotland’s Children and Young People <https://www.gov.scot/publications/respect-national-approach-anti-bullying-scotlandchildren-young-people/>
- Scottish Attainment Challenge <https://www.gov.scot/policies/schools/pupil-attainment/>
- Support Children’s Learning <https://www.gov.scot/publications/supporting-childrens-learning-statutory-guidanceeducation-additional-support-learning-scotland/>
- UN Convention on the Rights of the Child (UNCRC) <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

- Guidance on Education for Children and Young People Unable to Attend School Due to Ill Health [Education of children unable to attend school due to ill health: guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/guidance/education-children-ill-health/pages/introduction.aspx)

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Appendix 2: Relevant East Lothian Council Policy and Guidance

- Included, Engaged & Involved: Identifying, Assessing and Providing for Additional Support Needs of Children and Young People (2018)
- The Handbook of Procedures for the Management of Pupils with Healthcare Needs in Educational Establishments (2019)
- Admission to Specialist Educational Provision guidance (2017)
- Allocation of Resources to Support Children and Young People with Additional support needs (2017)
- Included, Engaged and Involved: A Positive Approach to Preventing and Managing School Exclusions (2018)
- Included, Engaged and Involved: Managing Distressed and Challenging Behaviour (2018)
- Respect for All: Promoting Positive and Respectful Relationships in All our Schools (2020)
- Nurture, Recovery and Reconnection (2020) GOOGLE Drive [Nurture, Recovery & Reconnection - schools \(google.com\)](#)
- Getting it Right for Every Child GOOGLE Drive [GIRFEC in East Lothian \(google.com\)](#)

Appendix 3: Measures for Compulsory Compliance

Attendance Orders

The Education (Scotland) Act 1980 allows for an education authority to require a parent to provide an explanation for non-attendance, if it believes there is not a reasonable excuse for non-attendance (section 36). The education authority notifies the parent that a meeting or hearing is required, and that an explanation for non-attendance must be provided to the authority.

To allow the parent to prepare for the meeting, it will not be held within two days of the notification but not later than seven days after the notification.

Process:

If the parent fails to satisfy the authority that there was a reasonable excuse for the pupil's non-attendance the authority may:

- proceed to prosecution through the sheriff court, or
- report the circumstances to the procurator fiscal, or
- warn the parent and postpone the decision to report for a maximum of six weeks.

In the circumstance where the education authority decides to postpone the decision it may, if the child or young person is of school age (5-16), make an attendance order. An attendance order requires the parent to ensure the child or young person attends the school which he or she has been attending or another local school (a school attended by children or young people residing in the same neighbourhood).

An Attendance Order:

- Requires the parent to ensure the attendance of the child or young person at a school named in the order.
- Requires that the views of the parent on which school should be named should be considered by the authority.
- May name a public school, or other school which is willing to receive the child or young person. A school at which the parent will be required to pay fees will not be named within the order unless at the request of the parent.
- Shall not name a special school unless the child or young person has additional support needs requiring specialist support.

A copy of the attendance order will be served upon the parent and will place them under a duty to ensure the child or young person's regular attendance at the named school.

Right of Appeal

If parents are unhappy, they may, within 14 days of being served with the order, appeal to the sheriff. The sheriff is able to amend, confirm or annul the order. The decision of the sheriff is final.

Parents may wish to seek legal representation when making an appeal to the sheriff. Legal aid may be available for advice and representation, subject to certain criteria for eligibility. Further information is available from the Scottish Legal Aid Board.

Amending an Attendance Order

If the attendance order is later amended (e.g. a different school is named), the education authority should inform the parent of the proposed amendments and allow the parent 14 days to make objections. If objections are made and not upheld by the authority, the parent can appeal to the sheriff as above.

Moving Between Local Authority Areas

A child or young person who is the subject of an attendance order may move from his or her home authority to a new authority area. In this case, the new authority may notify the parent of their intention to amend the attendance order by updating the school named in the order to a school which is in the family's new catchment area.

Where a child or young person is attending a school in another authority area and the education authority providing education believes that a parent should explain the non-attendance of a child or young person at school, the authority in which the child or young person resides would be responsible for arranging a meeting or hearing and serving notice on the parent to attend the meeting or hearing for an explanation to be provided.

Prosecution

The Education (Scotland) Act 1980 states that if a parent has not complied with an attendance order, an application may be made to the sheriff court for prosecution (either by the education authority or Procurator Fiscal). If convicted, a parent may be:

- fined (not exceeding Standard scale level 3, currently not exceeding £1000),
- imprisoned for up to one month, or
- both fined and imprisoned.

The education authority, may also make a referral to the reporter, if compulsory measures are required to support the child.

Home Education

Scottish Government guidance on the circumstances in which parents may choose to educate their children at home, and the associated procedures are available from the Scottish Government.

Family Separation

In the case of a child or young person whose parents are separated, education authorities should consider the most appropriate means of communicating the process of making an attendance order to parents. It is likely that by the time an attendance order is being considered, there will have been difficulties in the relationship between the school/education authority and the parent. Advocacy or mediation services, where both parties meet voluntarily to discuss their concerns and agree a mutual solution with an independent third party, should be used to ensure that the parent understands the process and has support to express views or appeal. Further disengagement or conflict during the attendance order process will make positive outcomes for the child difficult to achieve.

Additional Support Needs

Children who have sufficient understanding of the process and who are judged to have sufficient legal capacity (this is presumed from age 12 unless the child does not have a sufficient understanding of the matter being considered) should be kept informed of the process. They may attend meetings or hearings with their parent. Such children should be consulted with the parent on the named school or subsequent amendments. However, the action is clearly being taken against the parent who has legal responsibility for ensuring the child attends school and it is for the parent to appeal, not the young person (a child of legal capacity may appeal in the case of exclusion, see Circular 8/03 Right of appeal against the decision to exclude – paragraph 37). The attendance order should be regarded as a stage in an ongoing process. The child may attend school following an attendance order, but support arrangements and long term monitoring of attendance and support needs will be required.

Parenting Orders

Local authorities also have powers to apply to the sheriff for a parenting order under the Antisocial Behaviour (Scotland) Act 2004. These orders are for one year, and require parents to participate in programmes designed to improve their parenting by receiving support services which previously the parent has refused, and for their compliance to be monitored by a named officer.

The local authority must consult with other agencies in a multi-agency planning process, and consult with the reporter to the children's panel, before considering with its legal advisors whether an application for a parenting order should be made.

If the procurator fiscal raises criminal proceedings in respect of an alleged breach of an order and the parent is found guilty or pleads guilty, he or she will be liable to a fine not exceeding level 3 on the standard scale (currently £1,000). If the fine is not paid a court must impose a supervised attendance order (SAO). An SAO is a community-based alternative to imprisonment for fine default. For this type of offence the court can only impose a sentence of imprisonment for the fine default where an SAO has been breached.

Guidance for authorities on parenting orders is available from Guidance on Parenting Orders: Antisocial Behaviour etc. (Scotland) Act 2004

Referral to the Reporter

Referral to the Reporter may be an option considered by an education authority in conjunction with other approaches above, or usually separately, as an important stage in engaging the child or young

person and the parent in compulsory interventions to improve outcomes for the child. Referral would usually only be made after appropriate measures at a local level have been exhausted.

Where a child is failing to attend school regularly without reasonable excuse, a referral to the Reporter can be made under section 67(o) of the Children's Hearings (Scotland) Act 2011. However, non-attendance may be a factor considered alongside other grounds for referral where there are a range of concerns about the child or young person. Where the Reporter considers that compulsory measures of supervision are necessary, the matter will be referred to a Children's Hearing. The Children's Hearing will make the decision on whether compulsory measures are necessary and if so, what those measures should be.

It is helpful for education authorities and Reporters to work together to make the Children's Hearing aware of the range of approaches that schools and education authorities may have already tried, to improve a child or young person's school attendance. It is also helpful to consider with other services, which may provide interventions recommended by the Children's Hearing, how reintegration into school can be planned for during their work with the child or young person.

Anti-social behaviour orders

An Acceptable Behaviour Contract (ABC) or Acceptable Behaviour Agreement is a written agreement between a person who has been involved in anti-social behaviour and one or more agencies whose role it is to prevent further anti-social behaviour i.e. a housing association, local authority, police or school etc.

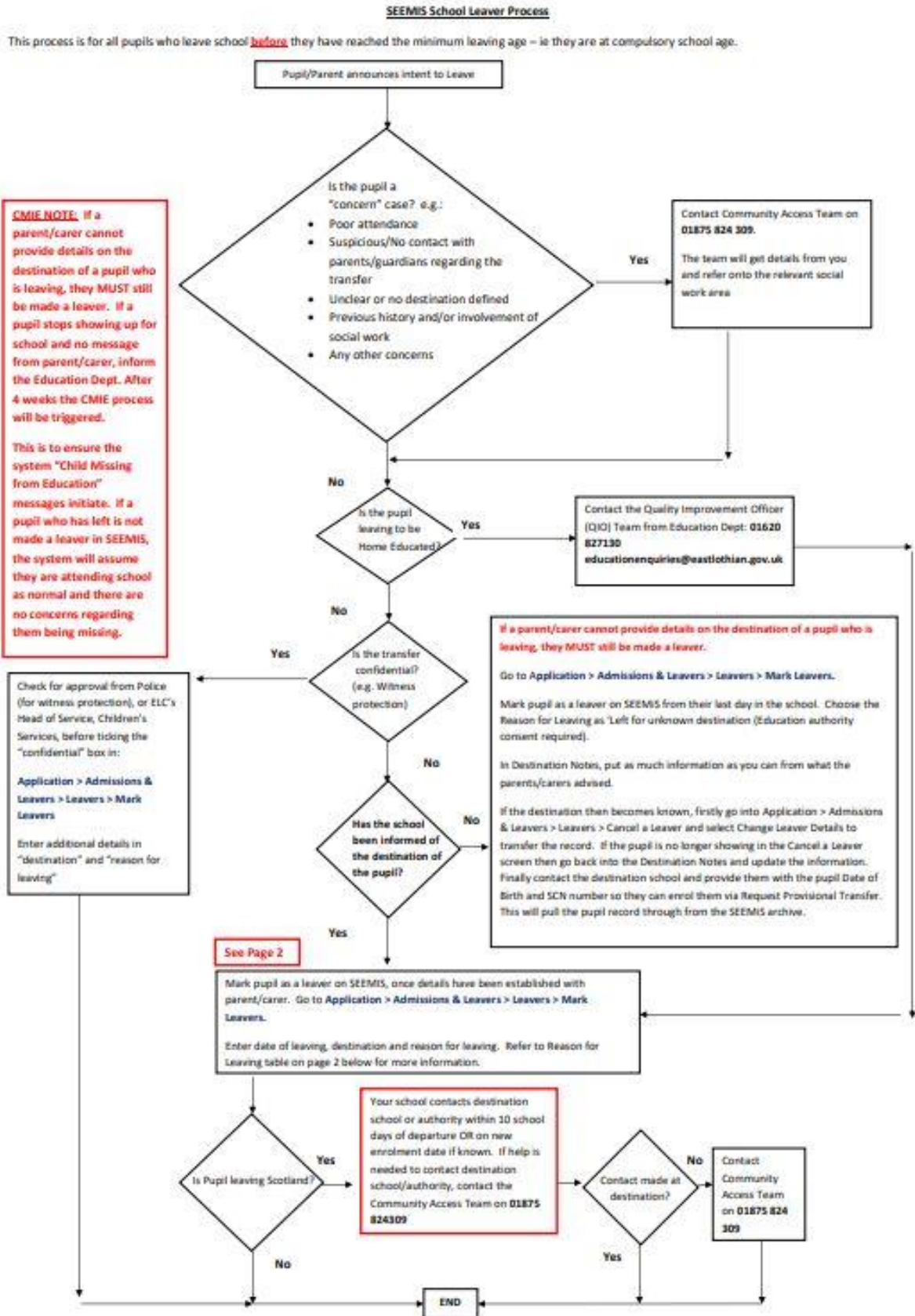
They are generally used for young people, but can also be used for adults, and may be used with parents in relation to the behaviour of their children.

A local authority may also apply for an Anti-Social Behaviour Order (ASBO) under the Antisocial Behaviour etc. (Scotland) Act 2004. In these circumstances, a child or young person is likely to already have been involved in the hearings system and will be well known to children's services. The child or young person will be considered to be at risk of persistent anti-social behaviour.

Non-attendance at school is not anti-social behaviour in itself, but clearly while a young person is not at school, his or her activities may be part of their involvement in anti-social behaviour, causing significant disruption to the community. Improving school attendance may be made a condition of an ABC or ASBO, and services should work together to ensure that the conditions applied enhance the potential for a young person to be engaged in learning, whether in school or in the community.

Education authorities and schools can make a significant difference to outcomes for children and young people on the cusp of persistent and serious offending by working in partnership with other services to devise flexible and creative approaches to learning opportunities.

Appendix 4: SEEMiS School Leaving Process

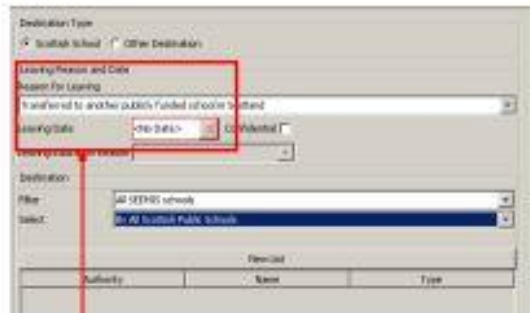


Entering Leaver Destination and Reason for Leaving Details:

- Go to **Application > Admissions & Leavers > Leavers > Mark Leavers:**
- Enter whether destination is another "Scottish School" or an "Other Destination".



A) If "Scottish School":



1. Enter "Reason For Leaving" and "Leaving Date"
2. Do NOT click "Confidential" unless referred to Police/Head of Children's Services
3. **Find and Select** the specific school using the "Destination" filters



4. Click "Mark Leaver"

B) If "Other Destination":



1. Enter "Reason For Leaving" and "Leaving Date"
2. Do NOT click "Confidential" unless referred to Police/Head of Children's Services
3. If "Reason For Leaving" is Left School (over minimum age), enter reason in "Leaving Education Reason":



4. If destination is not known, enter as much information as possible in the "Destination" free text box



5. Click "Mark Leaver"

SEEMIS Reason For Leaving Codes

SEEMIS Code:	Notes:
Left school (over minimum age)	Minimum age as defined by the Education Scotland Act 1980
Left for home education	Special arrangements need to be made. Ensure the responsible Quality Improvement Officer has been contacted (01620 827 620)
Left for unknown destination	To be used only when awaiting confirmation of pupil destination and that contact is being maintained with parent/carer. If there are any concerns for the welfare of the child contact the Duty Attendance Worker for Children's Services on 01875 824309
Exceptional permission to leave school before minimum age	Education authority permission required to use this code.
Permanently excluded	Education authority permission required to use this code. The school will receive written permission from the council to remove the pupil.
Pupil has died	
Pre school pupil has been removed by parent	Schools should get confirmation in writing from parents. If there are any grounds for concern for the safety of a pupil call the Duty Attendance Worker for Children's Services on 01875 824309
Moved abroad (excluding forces school)	Include some indication/details in the "Destination Notes" on the whereabouts of the pupil
Moved to school in England, Wales or Northern Ireland (including forces school)	Include some indication/details in the "Destination Notes" on the whereabouts of the pupil
Authorised Absence - Travelling as part of culture/tradition (Education authority consent required)	Pupil has permission to travel as part of their tradition, for family connections or work commitments. Education authority permission required to use this code.

Please note: It is the school's responsibility to check a pupil who has left Scotland, has arrived at the intended destination school/local authority. This should be done within 10 school days* or on the intended date of enrolment if known. *As defined in "Safe & Well - Children Missing Education", CME (Scotland) 2005

Appendix 5: Home Schooling and Flexi Schooling – Parental Request Supporting Information



Request for Withdrawal from School Home Education and Flexi Schooling

In accordance with East Lothian Council’s policy *Included, Engaged and Involved. A Positive Approach to Promoting Attendance* all requests for withdrawal from school are considered by a multi-agency panel.

This is consistent with our commitment to Getting in Right for Every Child as enshrined in The Children and Young People Act (2014). It is also consistent with Article 28 of the *United Nations Convention on the Rights of the Child* which states that every child has the right to an education.

To support the consideration of withdrawal from school request, parents and young people over the age of 12, with capacity, should provide the information requested in this form.

Contact Details:

Name of Child / Young Person			
Date of Birth		School Stage	
Current School			
Name of Parent / Carer			
Home Address			
Contact Telephone Number			
Contact e mail Address			

Supporting Information:

Supporting Information	Details / Notes
How your child's education will help to prepare them for life in modern society and achieve their full potential.	
How the education you intend to provide supports your child's needs, attitudes and aspirations.	
The kinds of resources and materials your child will have access to.	
How your child will have opportunities to interact with other children and adults, and have an appropriate level of physical activity.	
How your child will be involved in a broad spectrum of activities and be stimulated by their learning experiences.	
How you will meet your child's additional support needs, if applicable.	
Your consent for East Lothian Council to contact any other agencies who are working with your family to discuss this request, if appropriate. Other agencies may include social work or health.	
The views of your child (if aged over 12 and with the capacity to do so) about this proposal.	
Although not required, your reasons for this request.	

Appendix 6: Attendance Letter (1) - Parents

Dear (insert parent name)

Child / Young Person's Name

I am writing to advise that (insert child / young person's name)'s attendance at school has fallen below 90% in the past four week period.

We are concerned as attendance levels such as this can impact negatively on a child or young person's learning and wellbeing.

We would like to work with you to support (insert child / young person's name) and address any barriers which there may to attendance.

I will contact you in the coming days to discuss this further with you.

OR

We would like to invite you (and your child) to a child planning meeting with on (insert date and time of meeting) to discuss this with you and identify appropriate solution to support (insert child / young person's name)'s attendance.

I have enclosed some documents which might be helpful in formulating your view and (insert child / young person's name)'s views prior to the meeting.

I have also enclosed a recent attendance printout for your information which we can refer to during our discussion / meeting.

If the above date is not suitable for you, please call us at the school to reschedule the meeting.

Yours sincerely

Designation

School Name

Appendix 7: Attendance Letter (1) - Young Person over 12 Years

Dear (young person's name)

I am writing to advise that your attendance at school has fallen below 90% in the past four week period.

We are concerned as attendance levels such as this can impact negatively on your learning and wellbeing.

We would like to work with you to support you and address any barriers which there may be to attendance.

I will be contacting your parent to share this concern and a discussion or meeting will follow which you will be invited to be part of. This will help us to identify solutions to support improvements in your attendance.

I have enclosed some documents which might be helpful in formulating your views before the meeting.

I have also enclosed a recent attendance printout for your information which we can refer to during our discussion / meeting.

Yours sincerely

Designation

School Name

Appendix 8: Attendance Letter (2) - Parents

Dear (insert parent name)

Child/Young Person's Name

Further to my letter of (insert date) and our subsequent conversation / child planning meeting, I am writing to you as we remain concerned about (insert child / young person's name)'s continued pattern of poor / non-attendance.

According to our records, (insert child / young person's name)'s attendance is now XX% over the past eight week period. I have enclosed a print out of (insert child / young person's name)'s attendance record.

An appointment has been made for you (and insert child / young person's name) to attend a child planning meeting on (insert date and time of meeting). This will help us to identify solutions to support improvements in attendance OR review the supports and targets we put in place at our last child planning meeting.

I have enclosed some documents which might be helpful in formulating your views before the meeting.

If the above date is not suitable for you, please call us at the school to reschedule the meeting.

It is important for us to meet to have this discussion so that the situation does not continue to have an impact on (insert child / young person's name)'s learning and wellbeing.

Yours sincerely

Designation

School Name

Appendix 9: Attendance Letter (2) - Young Person over 12 years

Dear (insert young person's name)

Further to my letter of (insert date) and our subsequent conversation / child planning meeting, I am writing to you as we are concerned about your continued pattern of poor / non-attendance.

According to our records, your attendance is now XX% over the past eight week period. I have enclosed a print out of your attendance record.

An appointment has been made for you and your parent to attend a child planning meeting on (insert date and time of meeting). This will help us to identify solutions to support improvements in attendance OR review the supports and targets we put in place at our last child planning meeting.

I have enclosed some documents which might be helpful in formulating your views before the meeting.

It is important for us to meet to have this discussion so that the situation does not continue to have an impact on your learning and wellbeing.

Yours sincerely

Designation

School Name

DRAFT

Appendix 10: Attendance Letter (3) - Parent

Dear (insert parent name)

Child / Young Person's Name

I am writing to you to highlight our ongoing concerns about (insert child / young person's name)'s continuing pattern of poor / non-attendance.

According to our records, (insert young person's name)'s attendance is now XX% over the past twelve week period. I have enclosed a print out of (insert child / young person's name)'s attendance record.

I would ask that you (and your child) attends a child planning meeting to discuss this with you and review the supports and targets we put in place at our last child planning meeting.

We will continue to seek to explore what can we do together to improve the situation and how we can help.

If following this meeting, there is no improvement in (insert child / young person's name)'s attendance we may consider a referral to East Lothian Council's Children's Services Department for advice and support. Social Work advice may be sought and/or a referral to the Children's Reporter may be considered in accordance with The Education (Scotland) Act 1980.

The Education (Scotland) Act 1980 allows for an education authority to require a parent to provide an explanation for non-attendance, if it believes there is not a reasonable excuse for non-attendance (section 36)

An appointment has been made for you (and your child) to meet with us on (insert date and time of meeting).

If the above date is not suitable for you, please call us at the school to reschedule the meeting.

I have enclosed some documents which might be helpful in formulating your views and (insert child / young person's name)'s views prior to the meeting.

It is important for us to meet to have this discussion so that the situation does not continue to have an impact on (insert child / young person's name)'s learning and wellbeing.

Yours sincerely

Designation

School Name

Appendix 11: Attendance Letter (3) - Young Person over 12 Years

Dear (insert young person's name)

I am writing to you to highlight our ongoing concerns about your continuing pattern of poor / non-attendance.

According to our records, your attendance is now XX% over the past twelve week period. I have enclosed a print out of your attendance record.

I would ask that you and your parent attends a child planning meeting to discuss this with you and review the supports and targets we put in place at our last child planning meeting.

We will continue to seek to explore what can we do together to improve the situation and how we can help.

If following this meeting, there is no improvement in your attendance we may consider a referral to other agencies for their advice and support.

An appointment has been made for you and your parent to meet with us on (insert date and time of meeting).

I have enclosed some documents which might be helpful in formulating your views prior to the meeting.

It is important for us to meet to have this discussion so that the situation does not continue to have an impact on your learning and wellbeing.

Yours sincerely

Designation

School Name

Appendix 12: School Attendance Self-Evaluation Toolkit

HGIOS (4) Category	QI Link	Reflective Statements	What are the current strengths in this area? (Evaluative statements based upon impact upon learners)	What key evidence do you have of improvement in this area? (Triangulation of evidence: Views / Observation / Data)	What are we going to do now?
Leadership & Management	1.1	Through ongoing self-evaluation we understand attendance patterns in our school.			
	1.1	We systematically gather data to monitor and track the attendance of individual children / young people.			
	1.2	Our staff routinely engage in career-long professional learning (CLPL) to understand key guidance such as GIRFEC and the UNCRC and how this relates to school attendance and the right to an education.			
	1.1	We are guided by local and national policies, guidance and legislation around school attendance and a child's right to an education.			

HGIOS (4) Category	QI Link	Reflective Statements	What are the current strengths in this area? (Evaluative statements based upon impact upon learners)	What key evidence do you have of improvement in this area? (Triangulation of evidence: People's views / Observation / Data)	What are we going to do now?
Learning Provision	2.1	We have clear policies and procedures in relation to child protection and safeguarding and all staff understand the importance of attendance in relation to keeping children and young people safe.			
	2.1	Children and young people have a named education contact with whom they discuss any personal issues or concerns which may impact on their attendance.			
	2.1	Children and young people feel safe in school. There are a variety of supports for them such as buddying and safe havens. We evaluate the impact of these supports.			
	2.2	Our curriculum design supports the engagement of children and young people.			
	2.2	We have flexible learner pathways building on key curriculum design principles such as personalisation and choice, challenge and enjoyment and relevance to encourage good attendance.			

	2.2	We work with partners to develop bespoke curricular approaches for children / young people at risk of not attending.			
	QI Link	Reflective Statements	What are the current strengths in this area? (Evaluative statements based upon impact upon learners)	What key evidence do you have of improvement? (Triangulation of evidence: Views / Observation / Data)	What are we going to do now?
	2.3	Our school culture reflects an ethos of Children's Rights and positive relationships and this encourages children / young people's attendance at school.			
	2.4	All children and young people benefit from high-quality universal support which engages them in their learning.			
	2.4	We understand that poor attendance is a factor giving rise to additional support needs. We use the Child's Planning Framework to support good attendance.			
	2.4	We are proactive at responding to the needs of our most vulnerable children / young people including those with care experience and in poverty. We minimise their barriers to good school attendance.			
	2.5	We promote family learning for all of the families in our school community to bridge the gap between home and school.			

	2.5	Where appropriate, we work with and signpost families to services which support good school attendance.			
	2.6	We plan transitions carefully to ensure that children and young people and their families are fully supported and that key information is shared. This allows us to intervene early when attendance is of concern.			
HGIOS (4) Category	QI Link	Reflective Statements	What are the current strengths in this area? (Evaluative statements based upon impact upon learners)	What key evidence do you have of improvement? (Triangulation of evidence: Views / Observation / Data)	What are we going to do now?
Successes and Achievements	3.1	We can evidence wellbeing entitlements for all of our children and young people. We use local and national policies, guidance and legislation to support us with this.			
	3.1	We have evidence to demonstrate that the steps we have taken to improve the attendance of individuals has had a positive impact.			
	3.1	We celebrate diversity and challenge all forms of discrimination to create an inclusive learning environment.			
	3.3	Children and young people have the opportunity to connect their learning and acquisition of skills to the world of work in order that			

		they can appreciate the relevance of their learning opportunities.			
	3.2	We ensure that the provision of part-time timetables is used only when necessary, is recorded appropriately and reviewed at regular intervals.			
	3.2	We provide suitable learning resources for children and young people who cannot attend school and check in with them regularly.			
	3.2	We make regular contact with home for children and young people who are not attending or have poor school attendance and ensure we regularly review the child's planning framework that is in place for them.			