



MANAGEMENT CIRCULAR

5a

Education Services, City Chambers, 40 John Street, Glasgow G1 1JL

January 2020

Management Circular 5a

To **Heads of all Schools***

Included, Engaged and Involved: A Positive Approach to the Promotion of Attendance in Glasgow Schools

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* Refers to all Units, Early Years, Primary and Secondary Schools.

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1. Introduction

1.1 Background

This circular replaces 'Management Circular No.5: Children and Young People Absent or Missing from School and outlines the revised process for managing pupil absence and the process for children and young people missing from school.

This circular seeks to position the promotion and management of good attendance and the prevention and reduction of absence within Glasgow City Council's Education Services priorities:

- Raising attainment and achievement through Glasgow's Improvement Challenge 2015-2020;
- Continue to improve how we meet the learning and care needs of children before they go to school and as they progress through school, including how we support their families; and
- As we move towards a Nurturing City, continue to improve how we meet the needs of children and young people, particularly with additional support needs
- Make best use of our finance and resources to help ensure the best outcomes possible for our children and young people

The circular signifies a move away from costly punitive measures by promoting supportive approaches that are within the ethos of nurture and sit within Glasgow's staged intervention framework. Glasgow, the nurturing city strategy and approach focusses on prevention, early intervention and response to individual need in line with the principles of Getting it Right For Every Child as set out in the Children and Young People (Scotland) Act 2014.

Working in partnership with parents/carers is key to ensuring good attendance. Ongoing absence from school is likely to be related to a range of factors and it is important for schools to 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 partners to ensure that any barriers for families are supported and overcome as early as possible.

The above approaches reflects the advice and good practice contained in the Scottish Governments 'Included, Engaged and Involved Part 1: Attendance in Scottish Schools' 2019. <https://www.gov.scot/publications/included-engaged-involved-part-1-positive-approach-promotion-management-attendance-scottish-schools/pages/1/>

"The refreshed guidance gives a stronger focus on approaches that can be used to ensure that attendance at school is clearly linked to the overall approaches to promoting positive relationships and behaviour and ensuring all children and young people are included, engaged and involved in their education."

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There is also an increasing emphasis on the promotion of children's rights in accordance with the United Nations Convention on the Rights of the Child (UNCRC).

This circular updates the language around attendance to reflect current thinking and positive approaches to supporting attendance.

This circular is accompanied by a resource pack that provides information and advice on the integration of attendance policies with wider school policies and approaches, such as Staged Intervention, and provides examples of practice that schools have found to be successful in supporting attendance.

Staff in Early Learning and Childcare (ELC) settings may also find this circular and resource pack useful as indicators of good practice in the promotion of attendance and the prevention and reduction of absence.

1.2 Context

Attendance is critical if we are to successfully raise attainment and achievement and close the poverty-related attainment gap. Attendance should be considered within the context of current policies and developments within Glasgow and aligned to the main strands of Glasgow's Improvement Challenge (GIC).

Attendance at school should be clearly linked to schools' overall approaches to promoting positive relationships and behaviour. Staged intervention structures and school's ethos, cultures and values are fundamental to promoting positive relationships and behaviour.

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.
- nurturing approaches based on nurturing principles, including nurture groups more nurturing and trauma informed supports which can help children and young people feel more included within their school environment.

1.3 Equity, Equality and Closing the gap

Glasgow's Improvement Challenge seeks to address the poverty-related attainment gap. Whilst both the causes and the impact of poor attendance are known to be complex and multifaceted, research demonstrates the potential impact of poor attendance. Some studies have indicated that missing 10% of schooling (equivalent of 4 weeks) over the course of a year can impact on attainment.

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Pupils living in areas with higher levels of deprivation tend to have lower attendance rates than those living in the least deprived areas. It is critical that as part of our approaches to raising attainment and achievement that we maximise pupils' attendance.

2. Managing and Recording Attendance

2.1 Definition of Attendance

Attendance is defined as participation in a programme of educational activities arranged and agreed by the school, including:

- Attendance at school
- Learning outwith the school provided by a college or other learning provider while still on the roll of the school
- Educational visits, day and residential visits to outdoor centres
- Interviews and visits relating to further and higher education or careers events
- Debates, sports, musical or drama activities in conjunction with the school
- Study leave for pupils participating in national exams, if arranged by the school during the period of the national examination timetable
- Receiving tuition via hospital or outreach teaching services
- Work experience

Schools should seek to ensure that children and young people attend school or another learning environment for the recommended 25 hours in primary schools and 27.5 hours for secondary schools – see Management Circular 8 for guidance on part-time timetables.

2.2 Authorised Absence

School staff are best placed to decide the school's most appropriate response to requests for absence to be authorised. Schools may authorise absence when they are satisfied by a legitimate reason, provided usually by the parent or self-certified (via a note, email or phone call) or may be provided by another service provider. Reasons for authorised absence may include:

- Illness where no learning provision is made (including on-going mental health concerns)
- Medical and dental appointments to be recorded in separate category
- 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

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- Participation in non-school debates, sports, musical or drama activities agreed by the school
- Lack of transport – including due to bad weather
- Term time holidays where there are exceptional domestic circumstances
- Period of exclusion to be recorded in a separate category
- Extended leave with parental consent including some young carer activities
- Family recovery from exceptional domestic circumstances or trauma

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 weddings or funerals are major events which may require children or young people to travel (e.g. overseas) or participate in extended preparations. If this lasts for more than four weeks and the child cannot be traced then the school would have the right to remove the child or young person from the roll in order not to be penalised in terms of its attendance record. However, in these circumstances, children or young people should be considered as "Extended leave with parental consent", which allows them to remain on the school register ready for their return, but without the school being penalised.

Particular sensitivity should be given to children or young people in Gypsy/Traveller families. Further information on supporting inclusive educational approaches for children and young people from travelling cultures, including culturally sensitive approaches to managing attendance, is available in the Scottish Government guidance <https://www.gov.scot/publications/improving-educational-outcomes-children-young-people-travelling-cultures/>

2.3 Unauthorised Absence

Schools should record absence as unauthorised when they perceive that there is no valid reason for the absence provided. Such absence can be categorised as:

- Absence with parental awareness in specific circumstances
- Family holidays during term time
- Occasional absence without parental awareness
- Longer term absence – school related issues
- Longer term absence – home and wider community
- Absence relating to substance and alcohol misuse

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2.4 Recording Attendance

All schools are required to keep an attendance register for every pupil (Schools General (Scotland) Regulations 1975). This information constitutes the certificate of attendance presented to the Maximising Attendance Meeting, any subsequent court proceedings or to the Scottish Children's Reporter Administration where it may be considered as evidence for compulsory measures of supervision or other measures.

Recording attendance is the specific responsibility of school staff and accurate records are vital in the event of legal action and in ensuring children and young people are safe and protected.

Recording of absence must be taken for each morning and afternoon session. Late attendance is also recorded in all schools.

2.5 Children and Young People Missing from Education (CME)

There may be occasions where a child or young person goes missing from education for an extended period of time and the education authority has made extensive unsuccessful attempts to make contact with a family.

In such cases Management Circular 5b procedures should be followed.

**Maureen McKenna
Executive Director of Education**

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Appendix 1: SEEMIS Attendance Codes

Specific guidance on recording of attendance is provided by the Scottish Government and is published annually.

Scotxed Code	Short Code	SEEMIS Code	Description	Category	Scotxed Description
10	--	Present	Present	Attendance	Attendance in school
11	J	LAT	Late (arrives before mid-opening)	Attendance	Where a pupil has arrived late but during the first half of the opening, this will be marked as late (L1). This is regardless of whether the lateness is for a valid reason. For schools using period-by-period registration, any registration in periods beginning in the first half of the opening will be converted to an overall L1 code for the opening (even if a later period is missed)
12	W	WRK	Work Experience	Attendance	Work experience, arranged or agreed by the school Volunteering, arranged or agreed by the school
13	B	SEP	Sickness with Education Provision	Attendance	This may include time spent on sick leave or maternity leave, with proof such as a parental letter or medical certificate, and where adequate educational provision has been made. Adequate educational provision is as set out in SG circular 5/2001, <i>Guidance on Education of Children Absent from school through Ill-health.</i>
10	M	MIS	Missing from Class	Attendance	Been marked as present that day and not turned up to a particular class
10	P	PER	Medical or Dental Appointment	Attendance	Medical and dental appointments that last less than an opening should be recorded as attendance. However, should the appointment last for a full opening then it must be recorded within "Sickness with no Educational Provision"
10	S	STY	Study Leave	Attendance	Study leave during the period from the official start date of the national exam timetable (i.e. date of first exam) until timetabled lesson restart. No study leave is to be given outwith this period
10	V	FLD	Field Trip	Attendance	Educational visits organised by the school
10	V	VIS	School Visit	Attendance	Educational visits organised by the school
10	~	SCH	In school but not in class	Attendance	Attendance in school
10	O	OAT	Other Attendance out of School	Attendance	Other attendance out of school [e.g. pupil on a day release to a college or another school for a specific subject]. It is the responsibility of the host school to inform the originating school if the pupil is absent.

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21	K	LT2	Late (arrived after mid opening)	Authorised Absence	Where a pupil has arrived late but during the second half of the opening, then this will be marked as Late (L2). This recording is regardless of whether the lateness is for a valid reason. For schools using period-by-period registration in periods beginning in the first half of the opening, will be converted to an overall L2 code for the opening (even if a later period is subsequently missed). Included in summary Authorised Absence Statistics though LAs may choose to include Late2 in a pupil's attendance statistics.
22	E	PHL	Authorised Parental Holiday	Authorised Absence	Under exceptional circumstances schools can authorise a family holiday during term time. Such circumstances may include important to the wellbeing and cohesion of the family, following serious or terminal illness, bereavement or other traumatic events. A family holiday classified under the "authorised absence" category should not include reasons such as: <ul style="list-style-type: none"> • The availability of cheap holidays • The availability of desired accommodation • Poor weather experienced during school holidays • Holidays which overlap the beginning or end of term • Parental difficulty in obtaining leave Further guidance on what is categorised as <i>Family holiday authorised by the school</i> will be found in SG circular <i>School Attendance and Absence 5/03</i> and its addendum.
23	Q	DCA	Exceptional Domestic Circumstances (authorised)	Authorised Absence	This relates to short-term exceptional domestic circumstances. Absences related to short-term exceptional domestic circumstances can be classified as both authorised and unauthorised absence. Authorised absence under this heading covers situations such as: <ul style="list-style-type: none"> • the period immediately after an accident or illness • a period of serious or critical illness of a close relative • a domestic crisis which causes serious disruption to the family home, causing temporary relocation Further guidance on what is categorised as <i>Exceptional domestic circumstances (authorised)</i> will be found in SG circular <i>School Attendance and Absence 5/03</i> and its addendum.
20	D	SEL	Self-Certified (Sickness with no Educational Provision)	Authorised Absence	This would include any time where a pupil is off sick, with proof of illness such as a parental letter, and section 14 of Education (Scotland) Act 1980 is not applicable. See SG circular 5/2001, and the document <i>Guidance on Education of Children Absent from school through Ill-health</i> . Medical/Dental appointments that last the duration of a full opening should be recorded within this field.
20	D	NIS	Notifiable Illness (Self Certified)	Authorised Absence	Only to be used when directed by the Authority. Used when we would have to report on a specific Health issue e.g. Swine Flu Outbreak

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20	F	MED	Medically Certified (Sickness with No Educational Provision)	Authorised Absence	As SEL but with Medical Certificate
20	F	NIM	Notifiable Illness (Medically Certified)	Authorised Absence	Only to be used when directed by the Authority. Used when we would have to report on a specific Health issue e.g. Swine Flu Outbreak
24	A	ABS	Other Authorised Absence	Authorised Absence	Includes: <ul style="list-style-type: none"> • Immediate family weddings • Bereavements • Religious observances • Attendance at court • Attendance at child care review • Attendance at children’s hearing • Lack of transport – including due to bad weather • Sporting & cultural events not arranged by the school, but approved by them.
25	Y	PTX	Part Timetable (Exclusion Related)	Authorised Absence	Include all absence under a formal part-time arrangement related to exclusion
26	=	PTH	Part Timetable (Health Related)	Authorised Absence	Include all absence under a formal part-time arrangement related to health
30	G	UPH	Unauthorised Parental Holiday	Unauthorised Absence	Under exceptional circumstances schools can authorise a family holiday during term time. Such circumstances may include: important to the wellbeing and cohesion of the family, following serious or terminal illness, bereavement or other traumatic events. A family holiday classified under the “authorised absence” category should not include reasons such as: <ul style="list-style-type: none"> • The availability of cheap holidays • The availability of desired accommodation • Poor weather experienced during school holidays • Holidays which overlap the beginning or end of term • Parental difficulty in obtaining leave Further guidance on what is categorised as <i>Family holiday authorised by the school</i> will be found in SG circular <i>School Attendance and Absence 5/03</i> and its addendum.
31	U	UNA	Truancy or Unexplained Absence	Unauthorised Absence	Include all absence for which no adequate explanation has been provided.
32	R	DCU	Exceptional Domestic Circumstances (unauthorised)	Unauthorised Absence	This relates to short-term exceptional domestic circumstances. Absences related to short-term exceptional domestic circumstances can be classified as both authorised and unauthorised absence. Authorised absence under this heading covers situations such as: <ul style="list-style-type: none"> • the period immediately after an accident or illness • a period of serious or critical illness of a close relative

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					<ul style="list-style-type: none"> a domestic crisis which causes serious disruption to the family home, causing temporary relocation <p>However, where additional services provided by the LA to address this situation have not been taken up, leading to continued absence, this is considered to be unauthorised.</p>
33	N	OUA	Other Unauthorised Absence	Unauthorised Absence	Include any other reasons for unauthorised absence; e.g. where a parent is refusing to send their child to school following a dispute with school, or when a parent refuses to sign a behaviour agreement following an exclusion.
31	T	TBC	To be confirmed (reason for Absence)	Unauthorised Absence	Include all absence for which no adequate explanation has been provided.
40	X	EXC	Exclusion	Exclusion	<p>Include all pupils excluded from school on a temporary basis. Information should be consistent with that supplied in the exclusions data.</p> <p>Where a decision has been taken to remove a pupil from the register following an exclusion, the school is not expected to continue to mark the pupil as absent.</p> <p>For further clarification please refer to the ScotXed Advice Note SXD04/2006 – “Accurate recording of absence of pupils who are excluded from school for a period of time on a ‘temporary’ basis.”</p>
2	Z	EXL	Extended Leave with Parental Consent	Not used in Attendance and Absence stats calculations	<p>Extended leave with parental consent is not to be considered the same as a family holiday. Extended leave with parental consent should be recorded separately outside the figures for attendance and absence, and includes circumstances such as:</p> <ul style="list-style-type: none"> extended overseas educational trips not organised by the school short-term parental placement abroad family returning to its country of origin (to care for relative, or for cultural reasons) <p>Further guidance on what is categorised as <i>Extended Leave with Parental Consent</i> will be found in SG circular <i>School Attendance and Absence 5/03 and its addendum. However, it should be made clear that this is not part of the Attendance & Absence statistics calculations, either in the numerator or denominator.</i></p>
	C	CLO	Closed		School Closed
	H	SNA	Holiday		Holiday
	H	SNA	Should not Attend		Should not Attend
	I	INS	In-service		In-service Day
	Δ	REL	Religious Holiday		Religious Holiday
	H	NIX	Notifiable Illness (Should not Attend)		Only to be used when directed by the Authority. Used when we would have to report on a specific Health issue e.g. Swine Flu Outbreak

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Appendix 2: Operational Guidance for Head Teachers and Designated Staff

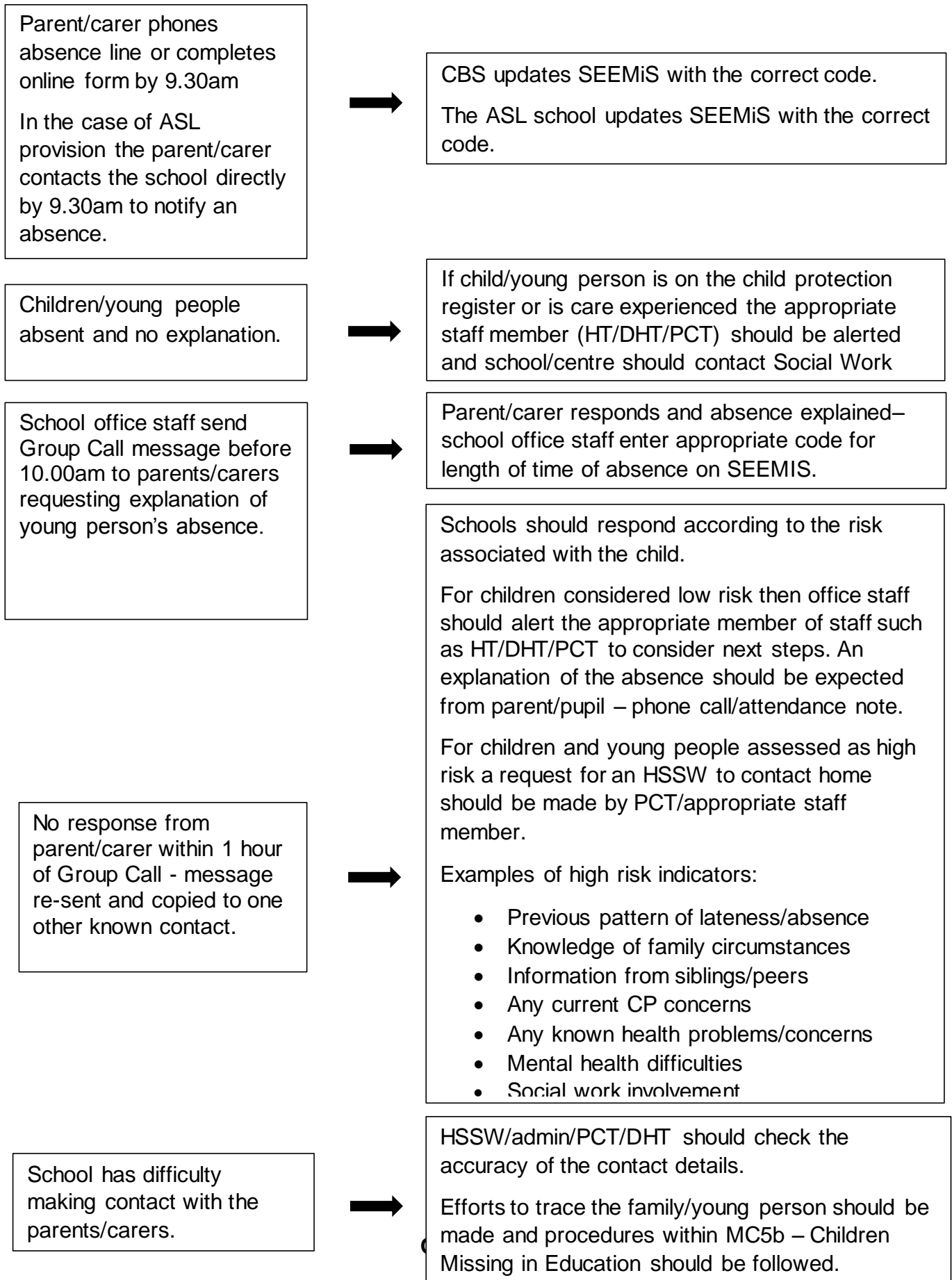
Schools should have in place a policy on attendance management that is integrated with the Staged Intervention framework. The process flow charts that follow are designed to assist schools to build attendance policies into a staged intervention framework.

Accompanying sample letters 1, 2 and 3 are provided for guidance and schools can amend them to take account of any current successful practice that is already in place. Schools also have the flexibility to decide the most appropriate staff members to meet with the parent/carer.

Please note that where schools do proceed with compulsory measures Flow Charts 3 and 4 must be followed and letters 4 and 5 must be issued with no amendments. A failure to comply is likely to result in unsuccessful prosecution if a case reaches this stage.

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Flow Chart 1: Universal Service for All Children and Young People on Day 1 of Absence



Flow Chart 2: Ongoing Attendance Issues

Additional support within a Universal Service 85-95% Attendance

Daily monitoring of attendance and Letter 1 sent.

Attendance falls below 90% within a 6 week period. Parent/carers are informed by letter 2 and are invited to attend a pastoral care meeting.



Reasons for absence are discussed and supports are put in place to assist the parent/carer/young person/child to improve their attendance. Outcome recorded on pastoral notes.

If there is no sustained improvement within 4 weeks or no improvement at all after 2 weeks. Parents/carers are informed again by letter 2 and are invited again to attend a pastoral care meeting.



Reasons for absence discussed and supports put in place to assist parent/carer/child/young person to improve their attendance. Outcome recorded on pastoral notes.

and

or



Consideration should be given to referring to the SIIM to discuss action that could be taken.

If there is no sustained improvement within 4 weeks or no improvement at all after 2 weeks then parents/carers will be sent letter 3 and invited to attend a further meeting to establish reasons and to discuss alternative supports that could be put in place.

80-85% Attendance: Joint working – additional support from another agency

If there is no sustained improvement within 4 weeks or no improvement at all after 2 weeks then parents/carers will be sent letter 3 again and invited to attend a further meeting to establish reasons and to discuss alternative supports that could be put in place.



Consideration should be given to a multi-agency involvement and the case referred to the LC-JST.



Parents/carers will be sent letter 3 again and invited to attend a further meeting to establish reasons and to discuss alternative supports suggested by the LC-JST that could be put in place.

Below 75% Attendance Integrated Working

At this stage if there is no further improvement and no further interventions can be suggested by the LC-JST then consideration should be given to referral to the Children's Reporter.



If all possible support and strategies to resolve ongoing non-attendance have been exhausted then a school may deem it necessary to proceed to compulsory measures.

Staged Intervention

Referring a child/young person to LC-JST for attendance concerns should sit within a staged intervention framework with all possible supports and interventions fully explored and evidenced.

Good practice would ensure:-

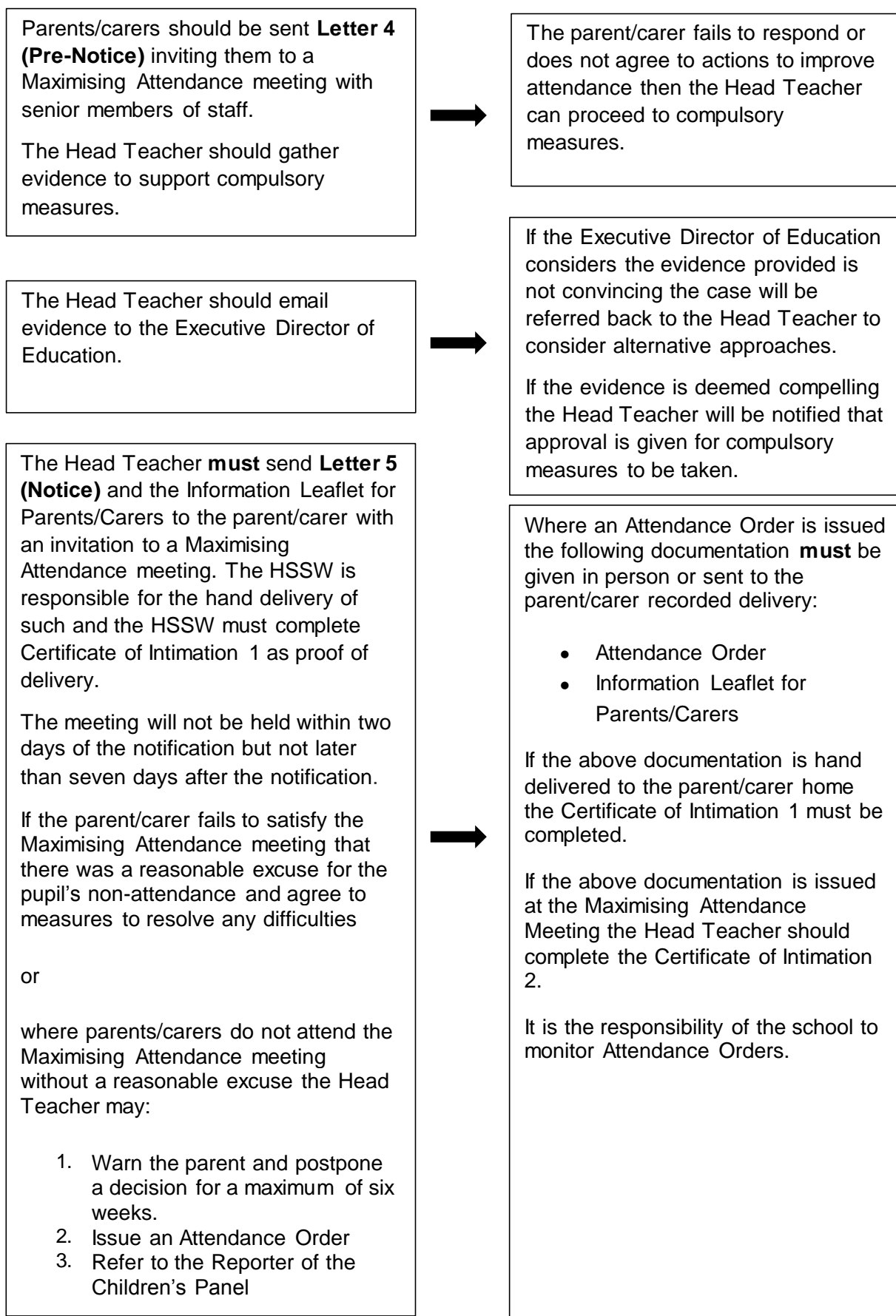
- All steps of MC5 have been followed and recorded
- The child/young person is supported by wellbeing assessment and planning
- The child/young person has been referred via SIIM for assessment and planning with relevant education partners

- Partnership working with SWS has been effective towards fulfilling the Child's Plan where the child/young person is open to SWS

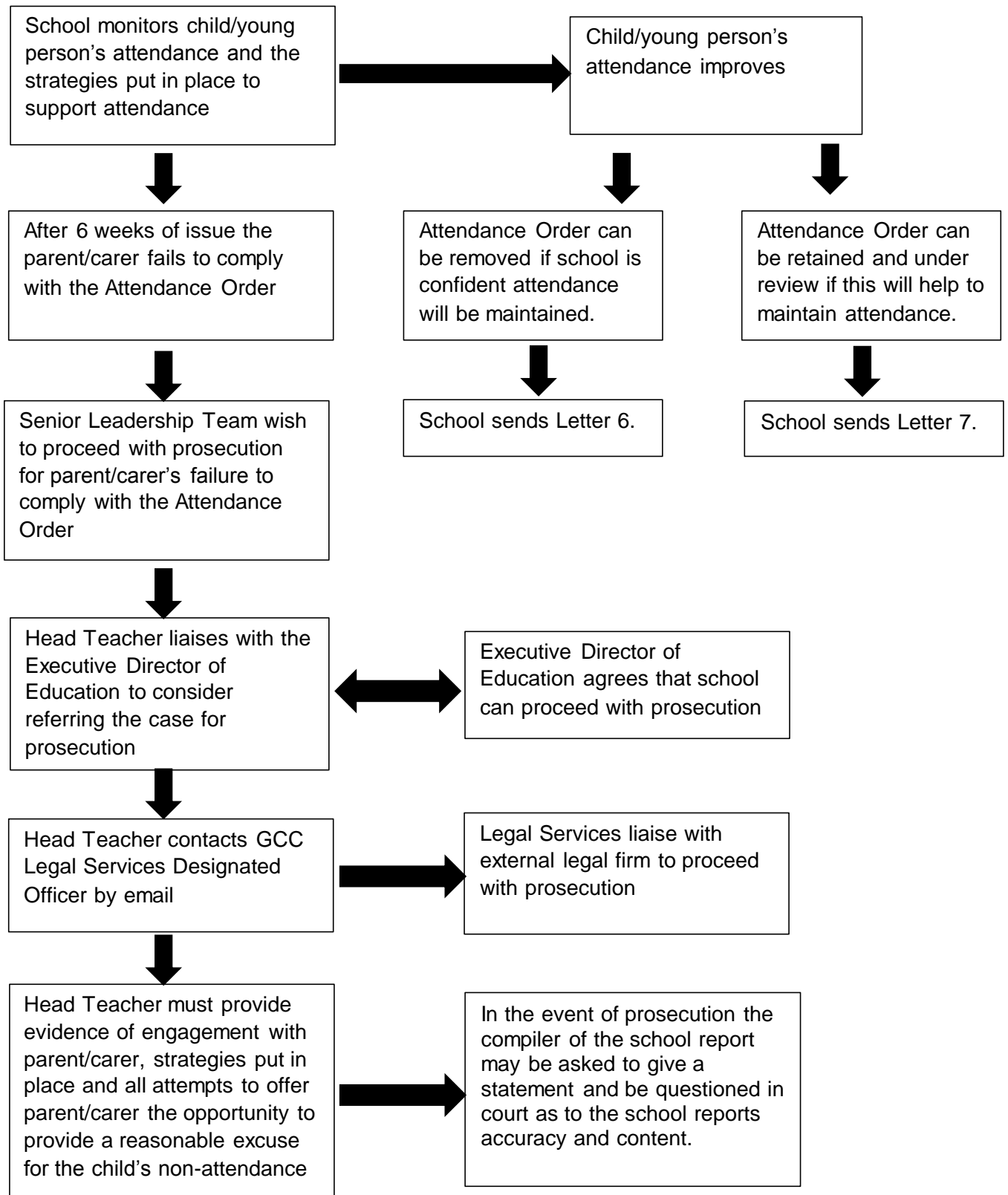
Evidence of good practice should support any referral to SCRA for review agreed by LC JST.

For children and young people open to SWS - discussion with Social Care Direct has taken place where it is felt that a duty referral to SWS is required

Flow Chart 3: Compulsory Measures



Flow Chart 4: Prosecution for Failure to Comply with Attendance Order



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Sample Letter 1 – Initial Concern

School headed paper

Parent Name and Address

Dear (Parent/Carer)

At (Name of Establishment) we are committed to working in partnership with parents/carers and children/young people to ensure that all pupils benefit from an education that maximises the opportunity to achieve their full potential.

We know that for every day in school a child's future is likely to be brighter. We hope that you take the time to read the leaflets we have attached to this letter.

I am writing to you as I am concerned about (Child's name)'s attendance. Their attendance is currently (number of days missed). School staff are keen to work with you and (Child's name)'s to agree strategies to help to support (Child's name)'s to achieve an improved level of attendance.

Please contact (name and phone number of HSSW or PCT) to have a chat about how we could help (Child's name) to improve their attendance.

Yours sincerely.

(Head Teacher or HSSW or PCT)

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Sample Letter 2 – Invitation to Pastoral meeting

School headed paper

Parent Name and Address

Dear (Parent/Carer)

At (Name of Establishment) we are committed to embracing Glasgow as the Nurturing City. We appreciate the difficulties a parent can face when trying to do their best for young people and believe (Child's name) could benefit from extra support to help improve their attendance.

To consider how to provide the best support possible I would like to invite you to a meeting to discuss the support available you and your family could benefit from.

Working together I am confident that we can prevent any further escalation in attendance issues and avoid any punitive sanctions.

I would therefore like to invite you to a meeting with (name and job title as appropriate) on the (date of meeting) at (time of meeting) in (location of meeting).

Please contact the school office to confirm your attendance (school phone number).

I look forward to talking with you at this meeting and sharing our thoughts on the best way forward.

Yours sincerely.

(Head Teacher's Name)

Head Teacher

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Sample Letter 3 - Invitation to planning meeting

School headed paper

Parent Name and Address

Dear (Parent/Carer)

At (Name of Establishment) we are committed to embracing Glasgow as the Nurturing City.

We know that getting your child to school on time every day can be a struggle for some parents and we would like to help support you and your family to improve (Child's name)'s attendance. (Child's name) attendance is currently (number of days missed).

I would like to invite you to (name of establishment) on (date of meeting) at (time of meeting) to talk with me and/or (staff name and job title) about any difficulties you might be having at this time ensuring (Child's name) school attendance. We know from experience that working together is the best way to make a difference and will prevent any undesirable legal implications of non-attendance as stated in Section 43 of the Education (Scotland) Act 1980.

Please contact the school office to confirm your attendance (school phone number).

I (staff name and job title) look(s) forward to talking with you at this meeting to share our thoughts on the best way forward.

Yours sincerely,

(Head Teacher's Name)

Head Teacher

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Sample Letter 4: Pre Power to Enforce Notice

School headed paper

Parent Name and Address

Dear (Parent/Carer)

At (Name of Establishment) we are committed to embracing Glasgow as the Nurturing City. Unfortunately (Child's Name) attendance remains a concern and we would like to work with you and your child to ensure that (Child's Name) attends school regularly. (Child's Name) attendance is currently (number of days missed).

We would like to invite you to a planning meeting with the Head Teacher and school representatives. This meeting will be held on (date of meeting) at (time of meeting) in (Venue).

At the meeting we will discuss the reasons for (Child's Name) absence from school and consider any supports that can be offered to improve (Child's Name) attendance.

We know from experience that working together is the best way to make a difference and that is why we believe that a meeting with you (and your partner/ the child) could prevent further action; help (Child's Name) to move forward and ensure that the school continues to provide the correct supports.

Under the Education Scotland Act 1980 there are parental obligations that you as parent or carer need to fulfil.

The Act states that "Every parent or carer of a child of school age has a duty to ensure that the child receives education suitable to his/her age, aptitude and ability."

You have a responsibility to ensure (Name of Child) attends school regularly. If (Name of Child) does not attend regularly, without good reason for non-attendance, you as the parent/carers are committing an offence under the Act. It is important that we meet to discuss this. In the event that you do not contact me I may refer this to the Executive Director of Education to consider more serious action.

Please contact the school office to confirm your attendance. Please inform them if you will be accompanied by anybody else.

I look forward to speaking to you in person and sharing our thoughts on the best way forward.

Yours sincerely.

(Head Teacher's Name)

Head Teacher

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Sample Letter 5: Power to Enforce Notice – Maximising Attendance Meeting

School headed paper

Parent Name and Address

Dear (Parent/Carer)

I am writing to invite you to a Maximising Attendance Meeting with the Head Teacher and staff representatives to discuss the reasons for (Child's name)'s level of attendance. You are required to attend the Maximising Attendance Meeting at (Place of meeting) on (ensure date of meeting is within 2-7 days of the letter being sent) at (time of meeting).

Unfortunately (Child's Name)'s attendance is currently (number of days missed). This level of attendance remains a concern. At this meeting you will have the opportunity to explain the reasons for (Child's Name) non-attendance at school and to discuss strategies that are appropriate for your child to improve their attendance. We would also welcome (Child's Name)'s attendance at this meeting.

The Executive Director of Education has considered your case and has approved (name of school) to consider powers contained within Sections 36 and 38 of Education (Scotland) Act 1980 which allow the education authority to commence formal procedures.

This gives the Head Teacher the authority to make the following decisions:

- Issue a warning and postpone a decision for a period not exceeding six weeks.
- Serve an Attendance Order in respect of the child to attend the school designated within the order. The legislation provides the authority with a power to prosecute if the parent/carers does not comply with the Attendance Order
- Refer to the Reporter of the Children's Panel

It is important that we hear you and your child's views. Please contact the school office to confirm your attendance (school phone number).

Please be aware that this meeting can take place without you and your non-attendance may lead to the immediate issue of an Attendance Order. If you would prefer not to attend in person then you may write to the Head Teacher explaining the reasons for (Child's name) non-attendance and propose how we can work together to rectify the situation.

Education (Scotland) Act 1980 sections 36 & 38 and an Information Leaflet for Parents/carers are enclosed.

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I look forward to speaking with you in person and sharing our thoughts on the best way forward.

Yours sincerely,

(Head Teacher's Name)

Head Teacher

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Sample Letter 6: Attendance Order Removed

School headed paper

Parent Name and Address

Dear (Parent/Carer)

The Senior Leadership Team at (name of institution) met to review the Attendance Order for (pupil's name). We are extremely pleased with the great improvement in the attendance shown by (pupil's name) and have made the decision to remove the Attendance Order.

We would like to thank you for working with us to improve (name of pupil)'s attendance.

We will continue to work with you and (pupil's name) to maintain the present level of attendance.

Thank you for your continued support.

Yours sincerely

(Head Teachers Name)

Head Teacher

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Sample Letter 7: Attendance Order Retained

School headed paper

Parent Name and Address

Dear (Parent/Carer)

I am writing to inform you that the Attendance Order for (child's name) has been reviewed by the Senior Leadership Team at (name of institution).

While (child's name) attendance at school is improving I am still concerned about (child's name) level of attendance.

The Attendance Order will remain in place for a further 6 weeks and the Senior Leadership Team will review the situation again.

We will continue to work with you and (child's name) to improve (child's name) school attendance.

Yours sincerely

(Head Teacher)

Head Teacher

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Parent/Carer Information Leaflet

Glasgow City Council Education Services is committed to improving the life chances of all our young people. For children and young people to succeed in education they need to attend school to access the learning and support that will help them to achieve and attain.

Parents/carers working together with schools is in the best interest of children and young people.

Your child's school will have invited you to meetings to discuss the best possible supports your family would benefit from to support your child to attend school.

Parent/Carer Responsibilities

As the parent/carers of the child you are legally responsible to provide an education for your child.

If you have not engaged with the school to discuss and implement ways to support and improve your child's attendance you will be invited to a Maximising Attendance Meeting at this school.

We understand that there can be occasions when it can be difficult to ensure your child attends school regularly and there can be reasonable excuses as to why a child cannot attend school. There may be information that the school is not aware of that you could share.

It is in your interest to attend this meeting to explain the reasons for your child's non-attendance and to discuss ways to support your child's attendance at school.

If you fail to attend this meeting or satisfy the school that there is a reasonable excuse for your child's non-attendance at school, the school may issue you with an Attendance Order.

The school Senior Leadership Team will decide if you have a reasonable excuse for your child not attending school.

What Is An Attendance Order?

An Attendance Order is a legal document that:

- 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.

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- Shall not name a special school unless the child or young person has additional support needs requiring specialist support.

Appealing an Attendance Order

Parents/carers can appeal to the Sheriff within fourteen days after the date on which the Order was served. The Sheriff has various options, he can confirm, amend or annul the Order and his decision is final.

Contact details: Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9TW.

Parents/carers should comply with the Attendance Order, pending the outcome of any appeal. A pending appeal is not a good reason for failing to send your child to the school named in the Order.

Amendment to Attendance Orders

Parents/carers can make an application to amend an Attendance Order by writing to the school named in the Attendance Order. The school shall amend or revoke the Order in compliance with that request unless they are of the opinion that:

- The proposed change of school is unreasonable or not suitable in the interests of the child, or
- The arrangements made for the education of the child at the other named school are not satisfactory.
- A parent can, within one month after this decision, appeal to the Sheriff who will make a decision. Parents/carers may wish to seek legal representation when making an appeal to the Sheriff. Legal aid may be available for advice and representation.

If the School has refused to comply with a request to amend the order, or have not reached a decision within one month then the parent/carer may appeal to the Sheriff. The Sheriff may give direction as they see fit.

Further information is available from the Scottish Legal Aid Board:

0131 226 7061 open Monday to Friday 8.30am to 5pm, <http://www.slab.org.uk>

The education authority can change the school named on an Attendance Order. For example, if the child moves house the authority may give notice of intention to change the school to the one in the new catchment area. If the parent objects to this change they may express objections within fourteen days of being given the notice to amend the Attendance Order by writing to the Executive Director of Education.

What happens when an Attendance Order is issued?

If an Attendance Order has been issued the case will be reviewed after 6 weeks by the school Senior Leadership Team.

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Following this review one of three things will happen:

- The Attendance Order may be kept in place;
- The Attendance Order may be removed;
- Your case may be passed on to the Sheriff Court for prosecution.

Failure to Comply with Attendance Orders

An Attendance Order is issued when all other reasonable avenues have been explored with you and Education Services. It is an offence not to comply with an Attendance Order and your case may be passed on to the Sherriff Officer for prosecution. This can lead to: a fine (not exceeding) £1000; imprisonment (not exceeding one month); or a combination of both.

The Law in Scotland

Parents have a legal responsibility to provide an education for their child until he or she reaches school leaving age (section 30 Education (Scotland) Act 1980).

“It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means.”

The Education (Scotland) Act 1980 allows an education authority to ask a parent/carer to provide an explanation for a child/young person’s non-attendance at school.

The Education (Scotland) Act 1980 allows an education authority to make an application to the Sheriff Court for prosecution if a parent has not complied with an attendance order.

Education (Scotland) Act 1980 Sections 36 & 38

(36) Power of education authority in relation to irregular attendance of child at a public school.

(1) It shall be the duty of the education authority if they consider that a parent has committed an offence against section 35 of this Act in respect of a child resident in their area, to serve a notice on the parent requiring him, within such time as may be specified in the notice (not being less than forty-eight hours or more than seven days from the service thereof) to appear (with or without the child) before the authority and explain the reason for the absence of the child from school. If the parent fails to satisfy the authority that he had a reasonable excuse, the authority may:

- a) Instruct that he be prosecuted forthwith under section 43 of this Act, in the court of summary jurisdiction in which proceedings may be taken for the offence [...] 2 ; or*
- b) Report the circumstances to the procurator fiscal or;*
- c) Warn the parent and postpone for a period not exceeding six weeks a decision as to whether so to report.*

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(2) *Where an education authority in the exercise of the powers conferred upon them by subsection (1) above postpone a decision as to whether to prosecute a parent, they may, if the child is still of school age, make an attendance order in respect of the child in accordance with the provisions of section 38 of this Act requiring the parent to cause the child to attend the public school which he has been attending, or, if the child has changed his residence, a school attended by children residing in the same neighbourhood as the child.*

(3) *Without prejudice to the institution of proceedings for an offence against section 35 of this Act or the exercise of the power conferred by section 44(1) of this Act, where a child of school age has failed to attend a public school regularly, the education authority [, where no requirement arises under [section 60 of the Children's Hearings (Scotland) Act 2011 (asp 1)] 4 to give information about the child to the Principal Reporter, may under this subsection provide the Principal Reporter with such information.] 3*

(38) Making of attendance orders.

(1) *References in sections 36 and 37 of this Act, and in the following provisions of this Act, to an attendance order in respect of a child are references to an order in writing requiring the parent of the child to cause the child to attend a school named in the order, being either a public school, or a school (other than a public school) the managers of which are willing to receive the child.*

(2) *In an attendance order in respect of a child:*

- a) A school at which the parent will be required to pay fees shall not be named except at the request of the parent; and*
- b) A special school shall not be named unless the child [has additional support needs requiring the education or special facilities normally provided at the school] 2 .*

(3) *Before making an attendance order under section 36 or 37 of this Act, the education authority shall consider any views expressed by the parent as to the school which he desires his child to attend.*

(4) *The authority shall cause a copy of any attendance order made by them under section 36 or 37 of this Act to be served upon the parent, and it shall thereupon be the duty of the parent, subject to an appeal to the sheriff under subsection (5) below, to cause the child to attend regularly at the school named in the order.*

(5) *A parent aggrieved by the making of an attendance order by an education authority may within fourteen days after the date upon which a copy of the order was served upon him under subsection (4) above appeal against it to the sheriff, who may confirm, vary or annul the order and whose decision shall be final.*

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Executive Director of Education
Maureen McKenna

Education Services
Glasgow City Council
City Chambers East
40 John Street
G1 1JL

Notice to Parent/ Carer **ATTENDANCE ORDER – (Name of pupil & D.O.B. of pupil)**

In terms of section 35 of the Education (Scotland) Act 1980, it is the duty of the parent of a child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him/ her to attend a public school regularly, or by other means.

“Parent” includes any person who has the care of a child or young person even if that person does not have parental responsibilities and rights.

This is an attendance order issued in accordance with section 38 of the Education (Scotland) Act 1980 in respect of the child in your care (Name of pupil), (Date of birth).

(Name of child) is expected to regularly attend school. They have attended (periods attended) out of (periods expected to attend). This is not considered to be regular attendance by Glasgow City Council. You were first notified of the need to improve the child’s attendance on (Date of first attendance letter sent home). You are hereby served an attendance order in terms of Section 38 of the Education (Scotland) Act 1980.

TAKE NOTICE that YOU ARE REQUIRED TO CAUSE (Full name of pupil) TO REGULARLY ATTEND (Name of school) WITH EFFECT FROM (Date to begin attending).

Section 38(5) of the Education (Scotland) Act 1980 provides that if you are aggrieved by the making of this attendance order you may, WITHIN 14 DAYS, appeal against it to the Sheriff, who may confirm, vary or annul the order and whose decision shall be final. You may wish to consult a solicitor in that regard.

Notice is further given that where an attendance order has been made and is in force in respect of any child, and a copy of such order has been served on the parent of the child, the parent/carers shall, if the order is not complied with, be guilty of an offence against this section unless he/she satisfies the court that he has a reasonable excuse. As the parent of (Name of child), if you are convicted of such offence in the Sheriff court, you could be liable to a **fine of up to £1,000, AND/OR imprisonment for up to one month.**

Further, in the event that proceedings are raised against you for failing to comply with this attendance order, the Sheriff may refer the child to the Principal Reporter to the Children’s Hearing. The Children’s Hearing may, if it is satisfied that it is necessary to do so for the child’s protection, guidance, treatment or control, make a Compulsory Supervision Order. A Compulsory Supervision Order may contain conditions relating to the child’s attendance at school. In an extreme case the child may be required to live away from home to receive an education.

A child is deemed to attend regularly at a day school if he attends every meeting of the school at which attendance is compulsory.

This notice is the final warning and it is imperative that you work with the school to rectify the situation.

Maureen McKenna
Executive Director of Education

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Certificate of Intimation 1

CERTIFICATE OF INTIMATION

I, (*NAME*), hereby certify that and upon the (*DATE*), at (*TIME*), served the within designed (*PARENT'S NAME*) with a copy of the attached Notice from Glasgow City Council dated (*DATE*).

This I did by depositing a copy thereof, in a sealed envelope, for the said (*PARENT'S NAME*) in her/his dwelling place (*ADDRESS*), by means of a letterbox/by placing in the hands of (*NAME*).

Signed

Date

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Certificate of Intimation 2

CERTIFICATE OF INTIMATION

I, (*NAME*), hereby certify that and upon the (*DATE*), at (*TIME*), served the within designed (*PARENT'S NAME*) with a copy of the attached Notice from Glasgow City Council dated (*DATE*).

This I did by delivering in person a copy thereof, in a sealed envelope, for the said (*PARENT'S NAME*) in (*SCHOOL NAME AND ADDRESS*).

Signed

Date

Appendix 3: Legal Framework

Education Acts – Education (Scotland) Act 1980, Children’s Hearings (Scotland) Act 2011.

Parental Responsibilities

Parents have a legal responsibility to ensure their child attends school until he or she reaches school leaving age (section 30 Education (Scotland) Act 1980).

“It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means.”

Parents who have enrolled their child at a public school at any time, are then required to ensure their child attends, unless the education authority have consented to the withdrawal of their child from education (Education (Scotland) Act 1980; section 35).

Local Authority Responsibilities

The Education (Scotland) Act 1980 allows for an education authority to require a parent/carer to provide an explanation for a child/young person’s non-attendance, in respect of a child resident in their area, 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.

If the parent fails to satisfy the authority that he/she had a reasonable excuse, the authority may take further action.

Measures for Compulsory Compliance

Measures for compulsion are expensive and time consuming and can lead to further unnecessary interventions into family life. Very few prosecutions taken forward in Glasgow over the last 3 years have been successful. The vast majority of cases have been dismissed or admonished and the process has had little effect on improving a child/young person’s sustained attendance at school.

Measures for compulsion may be considered in a small number of cases when efforts to engage children and families in voluntary measures to improve attendance have failed, or if a wider range of issues are of concern in addition to non-attendance at school.

For some parents/carers that are not fully engaging with the school, the realisation that they have a legal duty to cause their child to attend school can be enough to prompt them to co-operate with the school and to agree to strategies to support a child’s improved attendance.

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Schools wishing to consider compulsory measures must seek approval from the Executive Director of Education and provide compelling evidence that all other possible support strategies have been exhausted.

Attendance Orders

The policy of Glasgow's Education Services is to avoid prosecuting parents/carers and to pursue supportive strategies to promote children and young people's attendance at school. In a small number of cases where there is evidence that compulsory measures would be effective in improving the attendance of a child or young person then the first stage of the process would be for schools to consider issuing an Attendance Order.

An Attendance Order is a legal document that requires the parent/carer 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.

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.

Right of appeal

If parents/carers 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/carers 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

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criteria for eligibility. Further information is available from the Scottish Legal Aid Board <http://www.slab.org.uk/>

Amending an attendance order

If the attendance order is later amended (e.g. a different school is named), **the school that issued the order** 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 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). Schools considering prosecution must seek approval from the Executive Director of Education.

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.

In cases where the Executive Director of Education approves the request from the school to prosecute a parent/carers for failure to comply with the Attendance Order then the school should contact Glasgow City Council legal services.

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Appendix 4: Referral to the Reporter to the Children's Panel

Non-attendance at school without reasonable excuse is a ground for referral to the Children's Reporter. Children's Hearings (Scotland) Act 2011 asp 1 (Scottish Act), Part 6, Section 67, subsection 2:

"(o) the child has failed without reasonable excuse to attend regularly at school,"

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

It should be noted that Scottish Government guidance outlined in 'Included, Engaged and Involved Part 1' states that:

"The Scottish Government aims to reduce pressure on the Children's Hearings System by ensuring that children or young people referred to it have serious welfare or offending concerns. It will not be appropriate for children or young people to be referred to the hearings system solely on the grounds of failing to attend school. 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."

Referral to the Reporter may be an option considered by an education authority in conjunction with other approaches or 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.

The communication process around referrals to the Children's Reporter in Glasgow is under review. Until such time the review is completed schools should continue to use current referral procedures.

Appendix 5 - Included, Engaged and Involved - Resource Pack

This purpose of the resource is to provide schools with easy access to information and tools that will assist in providing positive approaches to supporting attendance. The resource contains:

- Signposting to information and toolkits
- Links to useful websites
- Examples of practice that schools have found to be successful

Many of the resources are not exclusive to supporting school attendance and can be used for a range of purposes.