**ATTENDANCE GUIDANCE FOR SCHOOLS – AUGUST 2020**

The following guidance is based on the following DfE publications:

1. <https://www.gov.uk/government/publications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus/education-health-and-care-needs-assessments-and-plans-guidance-on-temporary-legislative-changes-relating-to-coronavirus-covid-19>.

Notification of lifting of relaxations of SEND legislation

1. <https://www.gov.uk/government/publications/guidance-for-full-opening-special-schools-and-other-specialist-settings/guidance-for-full-opening-special-schools-and-other-specialist-settings>
2. <https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/guidance-for-full-opening-schools>

**Key messages:**

* *‘the balance of risk is now overwhelmingly in favour of children and young people returning to school or college. For the vast majority of children and young people, the benefits of being back in an education setting far outweigh the very low risk from coronavirus (COVID-19)*
* *Office of National Statistics analysis on coronavirus (COVID-19) related deaths linked to occupations suggests that staff in educational settings tend not to be at any greater risk from the disease than many other occupations. There is no evidence that children transmit the disease any more than adults.*
* The risk to children and young people themselves of becoming severely ill from coronavirus (COVID-19) is very low
* **‘all children and young people, in all year groups and setting types, will return to education settings full time from the beginning of the autumn term.’**
* All legislative relaxations will cease with effect from the 1st August with the exception of that related to the compliance with statutory timelines for EHCPs which will expire on the 25th September 2020.
* Specialists, therapists, clinicians and other support staff for pupils with SEND should provide interventions as usual.
* The majority of staff are expected to be in school.
* CYP are not expected to repeat school years as a result of Covid whether mainstream or with EHCPs. There is no expectation that young people will need to remain in education any longer than originally set out in their EHC Plan. In the few cases where this is necessary such changes must be agreed by the local authority.

**Risk Assessments - SEN**

* It is assumed that Education settings will have already assessed the risks and implemented proportionate control measures to limit the transmission of coronavirus (COVID-19) for a limited number of pupils or students ie vulnerable, children with EHCPs/SEN Support;
* As part of planning for full return in the autumn term, it is **a legal requirement** that education settings should revisit and update their risk assessments (building on the learning to date and the practices they have already developed), to consider the additional risks and control measures to enable a return to full capacity in the autumn term:
	+ Individual assessments for EHCP/SEN Support/Vulnerable
	+ Whole school assessments – staffing, premises
	+ Assessments for other children requiring additional support with transition to make a successful return to full education eg those suffering from anxiety..
* Whether individual risk assessments are used to help plan for the autumn term or not, education settings should, in the spirit of coproduction, contact parents and involve them in planning for their child’s return to their setting from September. They should also contact and involve young people over 16 who have EHC plans.
* SBC Comment – for those children who are not in school on the 1st September we will need to have an audit trail which justifies their non attendance.

**Attendance Policy**DfE

**Attendance will be mandatory from the beginning of the autumn term, 1st September 2020**. This means from that point, the usual rules on attendance will apply, including:

* parents’ duty to secure that their child attends regularly at their education setting where the child is a registered pupil at school and they are of compulsory school age
* settings’ responsibilities to record attendance and follow up absence
* the availability to issue sanctions, including fixed penalty notices in line with local authorities’ codes of conduct.

The DfE however recognises that there will be:

* pupils, students, parents and households who may be reluctant or are anxious about returning eg those who were previously shielding
* those who generally remain under the care of a specialist health professional – such arrangements should be monitored by schools.
* some circumstances where pupils cannot attend school due to coronavirus (COVID-19) (see next section).

In these cases schools must work with these groups to expedite a return to school as soon as is practicable whilst ensuring that these families are aware of their statutory obligations.

**Non Attendance at school due to coronavirus (Covid-19) [[1]](#footnote-1)**

On 6th August 2020 the DfE made changes to the regulations[2](https://www.gov.uk/government/publications/school-attendance/addendum-recording-attendance-in-relation-to-coronavirus-covid-19-during-the-2020-to-2021-academic-year#fn:2) governing school attendance registers and added a new category, *‘non attendance in circumstances related to coronavirus (Covid-19)*’.

This category must only be used to record sessions that take place in the 2020 to 2021 academic year where a pupil does not attend because **their travel to, or attendance at, school** would be:

* contrary to guidance relating to the incidence or transmission of coronavirus (COVID-19) from Public Health England (PHE) and/or the Department of Health and Social Care (DHSC)
* prohibited by any legislation (or instruments such as statutory directions) relating to the incidence or transmission of coronavirus (COVID-19)

This new category of non-attendance will not count as an absence (authorised or unauthorised) for statistical purposes.

Pupils not attending a session who meet the criteria *‘not attending in circumstances related to coronavirus (COVID-19)’* **should be recorded using code X.** However, see exception to this rule in ‘1’ below

The DfE guidance[[2]](#footnote-2) gives the following examples – schools must ensure that they read the detailed guidance:

1. Pupils who are required to self-isolate as they, or a member of their household, has symptoms or confirmed coronavirus (COVID-19):
**Code ‘X’ should only be used for the period leading to a Covid test.** If a child needs to remain at home after a negative test Code ‘I’ (illness) should be used. After the pupil tests positive they should be recorded as code I (illness) until they are able to return to school.
<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection>
2. Pupils who are required to self-isolate because they are a close contact of someone who has symptoms or confirmed coronavirus (COVID-19)
<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection> <https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works#people-who-have-had-close-contact-with-someone-who-has-coronavirus>
3. Pupils who are required by legislation to self-isolate as part of a period of quarantine
<https://www.gov.uk/government/publications/coronavirus-covid-19-how-to-self-isolate-when-you-travel-to-the-uk/coronavirus-covid-19-how-to-self-isolate-when-you-travel-to-the-uk>
4. Pupils who are clinically extremely vulnerable in a future local lockdown scenario only.
 Code X should not be used for sessions after the pupil has been advised to return to school
<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>

Remote education

If a pupil is not attending school due to circumstances related to coronavirus (COVID-19), we expect schools to be able **to immediately offer them access to remote education**. Schools should keep a record of, and monitor engagement with this activity, but this does not need to be tracked in the attendance register.

SBC Position

* The DfE guidance provides sufficient flexibility to allow schools to develop bespoke solutions to meet their needs, for example, phased returns or delayed school opening eg to facilitate staff H&S training and preparation .
* For LA maintained schools, a delayed opening requires the permission of the DCS.
* For phased returns it will be assumed that the child receives a full time education ie they have been set work for days spent at home. Schools will be responsible for ensuring that the child is safe and that parents have been fully consulted and have approved the temporary arrangements.
* It will be necessary for **all schools/colleges** to inform the LA of their arrangements to opening schools where these differ from the government expectation that all CYP will be in school from the 1st September.
* It will be assumed that school staffing is at normal levels (usual sickness, absence) with the exception of those absences specifically allowed under Covid regulations. Schools with disproportionate numbers of staff absent must inform the LA so that parent expectations can be managed.
* Use of Penalty Notices and related sanctions – the decision whether or not to initiate sanctions rests with head teacher. However, the government guidance recognises that there will be some families who are reluctant to allow their children to return to school and that schools should work with them to agree a plan for their children’s return.  There will also be families for whom the attendance of their children has been problematic (pre-Covid).

In the first few weeks it may be difficult to identify the families who have problems with school attendance and time will be required to understand the issues.  It is therefore recommended that penalty notices are not used for absences that occur in the first four weeks of the autumn term but that head teachers retain the discretion to use sanctions for those cases they see fit eg families with a history of poor attendance which is not linked to Covid and/or medical issues.

**Children Missing Education CME and Elective Home Education EHE**

Normal procedures for managing CME and EHE will apply from 1st September. However, with the uncertainty expected with the return to full schooling in September, there will be an increased risk of children being risk of missing education and expectation that requests for EHE could increase. Schools are therefore asked to monitor absences closely and report any concerns to the Attendance Team and/or SCST. Schools should not make any attempt to encourage home education nor should any pupil be off rolled without the approval from the Attendance Team.

The service is currently exploring options for the early identification of CYP at risk of missing education.

John Wood

10th August 2020

**Attendance Coding**

From the 1st September, normal attendance rules for coding will apply with the following exceptions:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Id** | **Scenario** | **Description** | **Sub-scenario** | **Code** | **Comments** |
| 1 | **Phased return** | Children attend part time either full day or half day | Child in school | **/**  or **\** as appropriate |  |
|  |  |  | Child absent on days when **due to be in school** | Normal codes eg **I, M, O** |  |
|  |  |  | Child at home as per school arrangements  | **X** | School responsible for providing education and ensuring that child is cared for. |
| 2 | **Delayed Start** | School delays opening eg to carry out staff H&S training, similar to *Inset* days |  | **#** | Needs approval from DCS – LA maintained schools |
| 3 | **Covid related**[[3]](#footnote-3) | *‘not attending in circumstances related to coronavirus (COVID-19)’*  | Examples 1-4 as above | **X and I** as appropriate | Absence must be supported by risk assessment and/or paperwork from GP/other medical practitioner Schools should not require evidence of negative test results or other medical evidence before admitting children or welcoming them back after a period of self-isolation |
|  |  | *‘not attending in circumstances related to coronavirus (COVID-19)’*  | Lockdown local to home address prevents attendance | **X** |  |
|  |  | *‘not attending in circumstances related to coronavirus (COVID-19)’*  | Lockdown impacting on school or part thereof | **X** |  |
| 4 | **Allocated place not taken up** | Child allocated a place through normal admissions prior to 1st Sep, does not attend on that day or the first day according to a school’s published return to school arrangements |  | **N/O**as applicable | Schools must follow up all such cases by contacting parents/carers on the day the absence occurs and informing the Admissions service. |
| 5 | **Delayed return due to family being out of country** | Flights delayed due to Covid.School is aware and has authorised |  |  **X** |  |
|  |  | Ditto – school has not been informed/delay beyond agreed return date |  | **G,N,O** as applicable |  |
| 6 | **Flexi schooling** | See App A |  | **C** |  |

**Appendix A – Flexi Schooling Guidance**



**Flexi Schooling - Guidance for Schools**

**July 2020**

**Flexi-schooling: advice and guidance to schools:**

**What is flexi-schooling?**

The responsibility for a child receiving a suitable full-time education while he or she is of statutory school age lies with the parent or guardian/carer.

Flexi-schooling is an arrangement where, following a formal request from parents or carers, and with the approval of the school, a child spends some part of the week attending school and the rest of it being educated at home or at another off-school site chosen by the parents such as privately-run part-time tuition settings, In such arrangements, however, the child will always continue to remain on the school roll and is therefore their responsibility.

Flexi schooling should not be confused with elective home education. Parents/carers have a legal right to choose to home educate their child but they do not have a legal right to insist on a flexi-schooling arrangement being agreed by any school.

Whilst a parent/carer may request that their child is flexi-schooled it is entirely at the Headteacher’s discretion as to whether or not the school is prepared to agree to a flexi-schooling arrangement.

**What might a flexi-schooling arrangement include?**

It is recommended that a formal, written agreement between parents and the school is the best way of making flexi-schooling work. This could, for example, set out:

* the days/times when the child will attend school and the times when flexi-schooling will apply
* agreed times when the parent is responsible for the child’s safety to ensure clear safeguarding duties are met, for example, explicit travel arrangements should be agreed. The school will need to complete a risk assessment.
* contact and liaison arrangements between the school and the home
* agreement on who is responsible for and pays for public examinations
* the educational provision that parents will put in place during flexi-schooling and the arrangements for the school to monitor them
* access by parents to school resources, if any
* access to pupil records, if any
* conditions for ending the arrangements by either side.

It is strongly recommended that any flexi-schooling arrangement is time-limited (e.g. for a term at a time) and is reviewed at the end of that time.

Schools should reserve the right to either agree to an extension of the arrangement or to terminate.

**Register Coding**

If a flexi-schooling arrangement is agreed, the periods when the pupil is not in school should be recorded as **C(authorised absence),** which counts as an absence for the attendance figures. No other code should be used for flexi-schooling arrangements.

**What is the legal situation with regard to flexi-schooling?**

Parents and carers are fully entitled to ask schools about possible arrangements for flexi-schooling. There is, however, no parental entitlement to flexi-schooling and the decision rests entirely with the Headteacher. If a school decides not to agree such an arrangement, there is no appeal process.

Schools should not ask parents to educate their child at home for periods of time during the school week.

Flexi-schooling should not be agreed where it becomes evident that the arrangements being sought can be made outside of normal school hours or are more to do with accommodating the needs of the parents (eg where they might have unusual working patterns) rather than those of the child.

Department for Education information on flexi-schooling can be found on

<https://www.gov.uk/government/publications/elective-home-education>

**Who does flexi-schooling apply to?**

Flexi-schooling can apply to any pupil – there are no specific criteria.

For example:

* Often requests for flexi-schooling are made on behalf of talented young sportspersons, so that they can benefit from elite coaching, training and expert tuition
* Some parents may feel that there are areas of their children’s education (which may also be in relation to the child’s faith and culture) which they wish to provide

Flexi-schooling should not be seen as applying only to certain children under certain criteria and every request should be judged on its merits.

**What should Headteachers be taking into account when considering a request for flexi-schooling?**

* Flexi schooling education provided at home and that provided at school must together constitute a full-time provision
* If a flexi-schooling arrangement is agreed, the child will take up a school place and remain on the school roll. As such a flexi-school child takes up a pupil number on roll (PAN) and in doing so could deny a full-time place for another prospective pupil. Schools are reminded that a flexi-school child is funded on the same basis as a full-time pupil on roll
* As the child is on roll the school must satisfy the requirements of the National Curriculum or the appropriate broad and balanced curriculum for Academies
* The school needs to consider what impact a flexi-schooling arrangement might have on both classroom and whole-school management. For example, additional demands and workloads on teaching and administrative staff, reintegration back into the classroom after a period of home tutoring
* The school must consider whether the activity for which flexi-schooling is being requested is likely to be directly beneficial to the child’s educational development
* Before headteachers enter into any written agreement with parents they are advised to contact the Attendance Service at Slough Borough Council

**What should parent/carers be taking into account when considering a request for flexi-schooling?**

* Flexi schooling education provided at home and that provided at school must together constitute a full-time provision
* The implications of making partial educational provision at home are significant, both in terms of expertise and resources and in the commitment to make a shared provision successful
* While there is no statutory curriculum for the home education element of a flexi schooling arrangement, parent/carers will need to be mindful of the impact on the child’s access to the National (or Academy) Curriculum and the possible fragmentation of the learning experience
* The child may find that his or her limited attendance at school makes it difficult to maintain strong relationships with peers and may experience an element of social exclusion
* If the child moves to a different school, there can be no guarantee that flexi-schooling would be able to continue. A fresh request for a flexi-schooling arrangement must be made to the new school Headteacher. It would then be a decision for the Headteacher at the new school to make

**Children with an Education and Health Care Plan**

* If the child has an Education and Health Care Plan (EHCP) the school should contact the Special Educational Needs Officer. The impact of flexi schooling should not detract from the outcomes of the EHCP
* There is no distinction between children who are to be flexi-schooled and those who are not
* The duty to review a child’s plan still applies
* Education transport: the school will advise the Local Authority transport section of the arrangement, the days on which transport is not required and the duration of the agreement

**Funding**

The child will be recorded by the school as attending full-time, with sessions not in school being recorded as per agreement. Therefore the school will receive full-time funding. Flexi-schooled children are included in count returns as for other children. Schools are not obliged to pass on funding to parents.

**Admissions**

There is no distinction between children who are flexi-schooled and those who are not. Whatever the degree of attendance, the child will count towards admissions numbers on roll as full-time.

**Appeals**

There is no appeal against the decision of the Headteacher not to agree to a flexi schooling request or if the Headteacher decides to cease an individual child’s flexi schooling arrangement

**When the education being provided at home is not suitable**

If it appears to the school that parents/carers are not providing a suitable education as agreed between the school and the parent/carer; the school may ask the parent/carer to take remedial action. If the parent/carer declines to do so or the school is still concerned about the provision of the education being provided at home, the school may withdraw its agreement to the flexi-schooling arrangement. The child would then be required to attend at school on a full-time basis.

A school attendance order would not need to be initiated as the child is on the roll of a school.

If a child fails to return to full-time attendance the school should record the absence as unauthorised and refer to the LA’s Attendance Service Referral Processes for intervention

**LA Notification**

We ask that you please inform Slough Borough Council’s Attendance Service of any Flexi-Schooling arrangements you agree to for data purposes by contacting;

Attendance Team Manager: Jeannette Walker 01753 875256

Email: attendance@slough.gov.uk

1. <https://www.gov.uk/government/publications/school-attendance/addendum-recording-attendance-in-relation-to-coronavirus-covid-19-during-the-2020-to-2021-academic-year#fn:3> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/publications/school-attendance/addendum-recording-attendance-in-relation-to-coronavirus-covid-19-during-the-2020-to-2021-academic-year#fn:3> [↑](#footnote-ref-2)
3. <https://www.gov.uk/government/publications/school-attendance/addendum-recording-attendance-in-relation-to-coronavirus-covid-19-during-the-2020-to-2021-academic-year#fn:3> [↑](#footnote-ref-3)