



Authorisation of Anxiety Related Non-attendance

Dear [Headteacher's name],

I am/ we are writing to request your support in relation to the current difficulties that my/our son/daughter [child's name] is experiencing with 'School Refusal' (also referred to as School Phobia, School Anxiety or Anxiety Based School Avoidance). This term describes the reaction of children who experience extreme anxiety and distress in relation to attending school for a variety of reasons. Anxiety is a common emotion, however, when a child is suffering with an anxiety disorder or severe anxiety, the feeling of anxiety is far more intense and long-lasting. A mental health difficulty of this sort can have an adverse effect on a child's wellbeing and, if not addressed appropriately, can affect academic progress, overall engagement with school, and result in complete inability to enter the school environment.

I am/We are concerned that in threatening/deciding to issue penalties or refer me/us to the local authority for prosecution, the school are demonstrating that they are not willing to accept mental health difficulties as either valid reasons for absence, or as special educational needs that require appropriate support and provision. In response to this I/we would like to draw your attention to the following points from government statutory guidance:

The Children & Families Act (2014) states that a child or young person has **Special Educational Needs** if they have a learning difficulty" or "disability" which requires "special educational provision". A child or young person has a "learning difficulty" if they:

- Have a significantly greater difficulty in learning than the majority of others of the same age.
- Have a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

Disability is defined by **The Equality Act (2010)**.

A person is disabled if they:

- Have a physical or mental impairment (The court has ruled that this simply means something physically or mentally 'wrong').
- The impairment is long-term. This means that it will last more than 12 months or has a repeated short-term impact which will, in total, last more than 12 months.
- The impact on day-to-day activity is substantial (including that it impairs memory, or ability to concentrate, learn or understand, or perception of the risk of physical danger).



Unfortunately, [Child's name] difficulties with anxiety [and] are likely to continue and possibly increase, at least until he/she receives appropriate assessment and support. These difficulties are significant because they have had an adverse effect on [child's name] ability to carry out normal day-to-day activities, including attending school. The anxiety is hindering [child's name] opportunities to make use of the school's facilities and affecting his/her ability to learn, concentrate or understand. Therefore, it seems reasonable to consider [child's name] difficulties to be a disability and a special educational need.

Furthermore, we are/ I am concerned that the school is not accepting their responsibility under the Equality Act (2010) to reasonably adjust their expectations, or to make reasonable adjustments to the support offered for [child's name] as a student suffering with a disability such as severe anxiety. Disability discrimination can occur directly or indirectly and includes schools not making reasonable adjustments to support a child with disability. Additionally, the act highlights discrimination via harassment towards a person with a disability where this leads to a violation of that person's dignity or creates an intimidating, degrading, humiliating or offensive environment for that person. This last point could describe the pressure [child's name] is being subjected to, to attend whilst unwell [and also to the treatment they receive in school while ill/distressed] which is further increasing their levels of anxiety.

The actions we have taken to resolve these difficulties

In order to address this anxiety effectively I/ we understand the importance of taking advice from professionals with specific training in treating mental health difficulties in order to prevent an escalation of the difficulties, and further harm to my/our child's wellbeing. To try to arrange this I/we have taken the following steps:

[list details of appointments with GP/ CAMHS / Paediatrician / other medical evidence/involvement]

[please see the attached copies of letters from.....as evidence:]

Unfortunately, we are being hindered by the existing long waiting times to access this support and I/we ask that you show some understanding of the difficult situation we are currently facing due to the underfunding and high demand for CAMHS and NHS services at this time.

I/We also ask you to consider whether proceeding with penalties or prosecution is likely to make any difference in these circumstances, especially when research indicates the use of fines and prosecution of parents has very little effect, especially in cases of extended absence due to mental health difficulties (which are significantly different to 'truancy').



The Government's guidance on School Attendance (2018) explains that:

Schools should authorise absences due to illness unless they have genuine cause for concern about the veracity of an illness. If the authenticity of illness is in doubt, schools can request parents to provide medical evidence to support illness. Schools can record the absence as unauthorised if not satisfied of the authenticity of the illness but should advise parents of their intention. Schools are advised not to request medical evidence unnecessarily. Medical evidence can take the form of prescriptions, appointment cards, etc. rather than doctors' notes.

Moreover, **I/we** have been advised that a school will be failing in their duty if they mark legal documents such as attendance registers incorrectly. Absence due to illness, medical issues, and essential medical appointments are all statutory defences under law and must be marked on the register as authorised absences. Considering all that **I/we** have said about **my/our** child's medical reasons for absence **I/we** hope you will agree that **his/her** attendance should be authorised. As a head teacher has the discretion to make each decision about authorisation, and whether to refer individual cases to the local authority, **I/we** hope you will reconsider the matter in **[child's name]** case.

Disagreeing with a diagnosis or evidence

I/We have been informed that the school has taken the decision that they do not agree with the **diagnosis/evidence** provided. Please respond, in writing, to the following questions:

- Who is responsible for the decision?
- What relevant training does the person making this decision or expressing this opinion have?
- What policy are they following when deciding to ignore expert advice?
- Who is accountable for any harm that occurs as a result of them ignoring medical advice?
- Are they willing to undertake a risk assessment to back up their opinion?
- Are they willing to contact the expert who carried out the assessment (or a representative of the team that carried it out) so that they can talk through their observations, assessments and conclusions?



Support from the school

In regard to the support that can be provided within school, I/we have been advised that the following actions reflect current guidance for schools within The Equality Act (2010), The Children & Families Act (2014) and The SEND Code of Practice (2015), when deciding upon the best ways to help any child with mental health related needs:

- The school should make a referral to an Educational Psychologist for an assessment.
- The school should assess the student for SEND and offer support in accordance with the SEND Code of Practice (2015) as anxiety disorders are a diagnosable disability, particularly when a parent has reported this as the reason for absence.
- The school can make a referral to CAMHS for an assessment if this has not already been done.
- If the school is unable to provide suitable educational provision that the child can access they should apply to the Local Authority for an EHCP assessment.
- If the child is absent for more than 15 days the school is required to inform the Local Authority medical needs officer who should arrange alternative full-time educational provision

[\[https://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school\]](https://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school)

- The school should provide homework whilst the student is unable to attend - their duty to educate does not stop because a student does not attend due to showing traits of SEN (diagnosed or not).
- The school should explore the 'Local Offer' and make a referral to MAST (Multi Agency Support Team) who can provide strategies for attendance difficulties.
- The school should put in place a support plan which has been shared with parents to identify a structured way forward including the strategies in place to phase back in full attendance when appropriate and a backup plan if this fails.

The Government document 'Illness and your child's education' states: If your child can't attend because of illness or injury, your school and local council will provide support to make sure their education doesn't suffer. The school should:

- let the local council know if child is likely to be away from school for more than 15 school days
- give the local council information about the child's needs, capabilities and the programme of work



- help them reintegrate at school when they return
- make sure the child and family are kept informed about school events and clubs
- encourage the child to stay in contact with other pupils, e.g. through visits or videos

I/We would like to argue that the school and local authority have not carried out [any /all /most] of these actions and therefore, they should be doing more to support [child's name], rather than issuing penalties or prosecuting me/us.

I/We are aware that it is my/our responsibility as parents to ensure my/our child receives an education that is suitable for his/her needs and abilities. I/We ask you to note that I am/we are not preventing my/our child from receiving an education, it is the debilitating anxiety he/she is experiencing that is currently preventing their attendance at school.

I/We trust that the detail of this letter [along with copies of letters from.....] offers sufficient evidence that my/our child has a genuine reason for absence and I am/we are doing everything possible to resolve [child's name] difficulties. I/We therefore hope you will support me/us by authorising [child's name] absence on medical grounds

[choose from either of the following two options:]

and meet with me/us to discuss the best ways to support their wellbeing and learning opportunities,

OR if you are responding to a Prosecution threat letter include the following:

and withdraw the penalty/prosecution notice. If this matter does lead to a court hearing, and given that illness is a statutory defence in attendance cases, please be aware that this letter, and the documentation referred to in it, will form part of the evidence I/we provide to demonstrate that I/we have not, in fact, committed any offence,

Yours sincerely,



With reference to:

School Attendance(registers and codes) <https://www.gov.uk/government/publications/school-attendance>

Schools Guide to the SEND Code of Practice <https://www.gov.uk/government/publications/send-guide-for-schools-and-alternative-provision-settings>

Disability Discrimination: <https://www.gov.uk/government/publications/equality-act-guidance>

<https://www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils>

Illness and Your Child's Education: <https://www.gov.uk/illness-child-education>

Education for children with health needs who cannot attend school:
<https://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school>

Alternative Provision: <https://www.gov.uk/government/publications/alternative-provision>

Mental Health & Behaviour in Schools: <https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2>

Bullying at School: <https://www.gov.uk/government/publications/preventing-and-tackling-bullying>

Equality Act 2010: Advice for Schools: https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools?utm_source=