Authorising Attendance Template Letter – please edit and amend as necessary to fit your situation

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 attending school. These difficulties relate to school-based anxiety triggered by……………………………………………………… [and list any other issues or conditions………………………].

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/We understand that [child’s name] current absences are not being authorised in the attendance register. I am/We are concerned that in not authorising these absences, the school are demonstrating that they are not willing to accept mental health difficulties as a valid reason for absence.

**Recently in response to a relevant letter before action, the DfE confirmed:**

“The system for marking and monitoring school attendance is a flexible and child-centred one. As explained in our letter of 29th October 2019 to ‘Square Peg’ and ‘Not Fine in School’:

“The [Education (Pupil Registration) (England) Regulations 2006] are clear that where a pupil is unable to attend school by reason of sickness, their absence must be treated as authorised. ....

This flexible approach is made clear in the Department’s guidance on school attendance (the “**Attendance Guidance**”), which explains that schools should use Code I for illness

“*unless they have genuine cause for concern about the veracity of an illness*”. Only where the authenticity of an illness is in doubt are schools advised that they can (**not must**) request parents to provide medical evidence, and schools are advised “*not to request medical evidence unnecessarily*”.

**The Attendance Guidance provides that what constitutes medical evidence is also to be addressed flexibly**, noting that “[*m]edical evidence can take the form of prescriptions, appointment cards, etc. rather than doctors’ notes*.”

As explained previously, we would not expect schools to request medical evidence unless there is a clear case to do so. Where a reason has not been provided, schools are advised to use Code N as a holding code. This can be used flexibly, in an individual case, for a reasonable amount of time to establish the reason for absence. “

I/we note that you have requested a medical evidence letter from our GP/a Level 3 NHS Consultant, DfE guidance states that schools should only normally ask parents to provide medical evidence to support illness if they suspect the illness is not genuine. Schools can record the absence as unauthorised if not satisfied of the authenticity of the illness but should advise parents of their intention as this may lead to the parent being issued with a penalty notice or prosecuted. Therefore, if you do not believe that [child’s name] has a genuine illness I/we request an urgent written explanation of the reasons why.

I/we would also like to draw your attention to **BMA guidance** that states:

*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. It should be noted that GPs do not provide sick notes for schoolchildren. When children are absent from school owing to illness, schools may request a letter from a parent or guardian, and this is no different during an exam period. However, children who have missed exams due to illness are frequently told by schools that a note from a doctor is required; but this cannot be provided by a GP. Aside from the fact that parents/guardians are responsible for excusing their children from school, GPs cannot provide retrospective sickness certification. When a child suffers from a long-term condition, any certification will be provided by the responsible specialist.*

<https://childlawadvice.org.uk/information-pages/school-attendance-and-absence/>

Please also see: <https://www.lmc.org.uk/visageimages/Campaigns/GPSoE16/schoolabsencegpsoeaug17.pdf>

Furthermore, in regard to your requirement for medical evidence to cover every day of absence. This issue was considered in the case of ***East Sussex County Council v Sussex Central Area Justices [2019] EWHC 164 (Admin), 2019 WL 00237607****.*

This case was an appeal brought by a local authority against a decision of a magistrates court that parents had a defence to the claim that they had failed to ensure the regular attendance at the school of their son – that defence being reasons of ill-health.

The local authority appealed the magistrates decision on the basis that parents did not have written medical evidence of ill-health for all of the absences. The administrative court dismissed their appeal on the basis that written medical evidence wasn’t necessary and the oral evidence of parents and other documentary evidence was sufficient to demonstrate ill-health on the balance of probabilities.

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 do this I/we have taken the following steps:

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

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 have been advised that a school will be failing in their duty, and can be fined, 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 absence should be authorised.

**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)**; **The SEND Code of Practice (2015)**; **DfE Statutory Guidance *Supporting pupils at school with medical conditions* (2017*)***;andDfE advice concerning ***Mental Health and Behaviour in Schools* (2018)**,when deciding upon the best ways for a school to help any student 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 student can access they should apply to the Local Authority for an EHCP assessment.
* 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.

In addition, the DfE Statutory Guidance document ***‘Ensuring a good education for children who cannot attend school because of health needs’*** (2013) 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 a 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 the child to reintegrate at school when they return, for instance:
* 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 point out that the school and local authority have not carried out [any /all /most] of these actions and therefore, could be doing more to support [child's name].

I/We are aware that it is my/our responsibility as parents to ensure [child’s name] receives an education that is suitable for his/her needs and abilities. We also have a responsibility to protect and support their health and wellbeing. I/We ask you to note that I am/we are not preventing [child’s name] from receiving an education, it is the debilitating anxiety and/or [list other conditions] …… he/she is experiencing that currently prevents 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 and meet with me/us to discuss the best ways to support their wellbeing and learning opportunities,

Yours sincerely,