



## KEY ADVICE

You need to protect yourself from prosecution for non-attendance and the following advice will help you to do this:

1. **KEEP RECORDS** - a diary of daily events /conversations / phone calls / emails / letters / appointments / meetings. (To help with this correspond as much as possible by email and consider using an automatic call recorder on your phone).

These blog posts explain the value of keeping records and how to go about it:

<https://itmustbemum.wordpress.com/2017/04/11/what-to-record-and-how-to-store-it/>

<https://itmustbemum.wordpress.com/2017/06/24/it-will-be-worth-it-trust-me/>

2. **CHECK SCHOOL RECORDS** to see how non-attendance is being recorded and what is in your child's files / records  
- check for accuracy and challenge anything you are not happy with, using the evidence you collect to back up your case.

<https://ico.org.uk/for-the-public/schools/pupils-info/>

3. **FOCUS ON GETTING MEDICAL EVIDENCE**

You will need this to protect you from prosecution

- See your GP
- Ask school for referral to their Educational Psychologist
- Push for a CAMHS assessment

<https://itmustbemum.wordpress.com/2017/02/18/when-school-staff-refuse-to-accept-a-diagnosis/>

4. **ASK FOR ADVICE IN SOCIAL MEDIA SUPPORT GROUPS**, especially if:

- Social Services become involved
- Child Protection is mentioned
- Fabricating Illness & Injury (FII) is mentioned

<http://www.false-allegations.org.uk>

## 5. REPORTING ABSENCES

The reason you give for absence is significant, there are subtle differences but they are important if you end up in court:

- 'My child is being bullied' = sadly, not an acceptable defence in law
- 'I can't get my child to school' = not Ok, (implies you are at fault)
- 'My child is refusing to go to school' = not Ok as it sounds like they are making a choice (and you are allowing them too)
- 'My child is too unwell to attend' = Ok, but you will need to gather medical evidence to back up your explanation.

If possible, email school's non-attendance contact and say your child is too unwell to attend, if necessary you should mention mental ill health / severe anxiety etc (don't say they are 'refusing school'). [Keep the Emails stored as proof]

If you have to phone, make a record in your diary of when you phoned, who you talked to and what was said.

## 6. IF YOU HAVE BEEN TOLD YOU WILL BE PROSECUTED

Act quickly - hopefully you will have been keeping records and trying to get medical evidence - (don't leave it this late to get medical evidence and referrals) - this is what protects you, as prosecuting parents of a child with a diagnosis of mental health problems:

- (a) generally doesn't happen and
- (b) breaches the Equality Act (2010).

Sadly, people often get to the point of being in court the following week, don't have representation and then don't point out to judge that the child is absent because of mental illness. So, it is VERY important to see your GP and get a CAMHS referral in place ASAP.

## 7. LOCATE COPIES OF YOUR SCHOOL'S POLICIES & CHECK THEY ARE FOLLOWED.

Focus on policies for ATTENDANCE, SEND, & COMPLAINTS.

8. **BE PRO-ACTIVE** - ask for meetings and contact people who might be willing to help (including your GP, CAMHS helpline, School Nurse, Local MP, LA attendance team).

Take independent witnesses with you to meetings to make notes and support you.

- Research your child's and your own rights then quote best practise - refer to legal and statutory guidelines for schools.

- After meetings request copies of the minutes. If you don't feel they are accurate ask for them to be amended.
- If a written record is needed write your own summary of the main points and anything agreed and email it to everyone involved for their approval and records.

## 9. CONTACT CHARITIES AND SUPPORT SERVICES

(Check your council's LOCAL OFFER to see if they list anyone who might be able to help).

- SENDIASS
- SOS SEN
- IPSEA
- YOUNG MINDS
- CONTACT
- CHILDREN'S SOCIETY

Also, see this advice from IPSEA.

<https://www.ipsea.org.uk/faqs/our-daughter-has-started-school-refusing-due-to-her-mental-health-needs-she-has-an-ehc-plan-but-it-doesnt-contain-any-information-about-her-mental-health-needs-as-these-have-only-arisen-recently>

## USEFUL DOCUMENTS

<https://www.gov.uk/illness-child-education>

<https://www.gov.uk/education-attendance-council>

<https://www.gov.uk/children-with-special-educational-needs>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/739764/Guidance\\_on\\_school\\_attendance\\_Sept\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739764/Guidance_on_school_attendance_Sept_2018.pdf)

<https://www.gov.uk/complain-about-school/sen-complaints>

[http://www.barnardos.org.uk/making\\_a\\_complaint\\_to\\_schools.pdf](http://www.barnardos.org.uk/making_a_complaint_to_schools.pdf)

<https://www.specialeducationalneeds.co.uk/faqs-about-sen-funding.html>

<https://www.equalityhumanrights.com/en/advice-and-guidance/disability-discrimination>

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-england>

<https://www.lgo.org.uk/information-centre/news/2011/sep/councils-must-not-let-down-children-who-are-out-of-school-for-special-reasons>

<https://thinkleftdotorg.files.wordpress.com/2015/10/ebsr.pdf>

<https://www.theschoolrun.com/special-educational-needs-support-at-school>

## 10. LOOK ON THE NFIS WEBSITE for information and resources.

<http://notfineinschool.org.uk>



Most school anxious/refusing children do WANT to attend school however their difficulties and anxiety become overwhelming. They care about their education and want to succeed, however they need understanding and support at home and at school. They may need adjustments to their daily routines, timetables, or even their school environment. Pressures to focus on attendance rather than the child's needs can make things even harder to fix.

## My Child is Struggling to Go to School - What can I do?

Unfortunately there are many children and young people struggling with school-based anxiety and other mental health and SEND related issues that can lead to school refusal.

School refusal should be seen as a behavioural or parenting problem as it is much more complicated than that, and there are many different things that can trigger anxiety and attendance difficulties including bullying, academic pressure and personal issues in the school environment.

**Fine or Not Fine?**  
Sometimes schools are aware of difficulties children face, but unfortunately many parents report that their children are described as 'fine in school', even if they are not in reality.

It is common for children to mask or hold in their distress until they get home from school or avoid going because they feel distressed and unable to cope.

Government guidance and school policies advise that parents play an important role in working with professionals to help children & young people.

### Government Guidance Pages:

- <http://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school>
- [http://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/304003/Supporting-children-at-school-with-mental-health-needs-3](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304003/Supporting-children-at-school-with-mental-health-needs-3)
- <https://www.gov.uk/guidance/schools-with-special-educational-needs>

Believe your child's distress is real, listen to what they say and trust your instincts as a parent.

**Ask for help**  
Most schools should offer mental health support, counselling, and access to a School Nurse. They can also ask an Educational Psychologist to make an assessment. You should also speak to your child's GP and ask for a referral to a Psychiatrist or CAMHS.

**Ask the school to assess your child for any relevant SEND**  
Many children have an underlying Special Educational Need or Disability that contributes to their anxiety: this can include Autistic Spectrum Conditions, ADHD, Sensory Processing Disorder or Dyslexia. Undiagnosed or unsupported these can make school a difficult place to be and can contribute to mental and physical health deterioration.

**SEND includes Social, Emotional or Mental Health Difficulties**  
These are all a barrier to learning requiring the use of SEND assessment-do-review cycles and possibly an EHCP.

**Apply for an EHCP Assessment**  
Some children will need an Education and Health Care Plan if a school does not have the expertise or funding to fully meet a child's needs, or offer the provision a child requires to access an education. SENCOs or parents can apply to the LA for an EHCP assessment.

**Contact SENDIASS / IPSEA / SOS SEN** or other sources of advice and support, and they can often attend meetings with you at school. Your Local Authority's Local Offer can also be an invaluable source of resources, information, advice and relevant support.

**Read your school's policies and government statutory guidance for SEN, Disability, Mental health & attendance - Are they being followed? If necessary follow the school's complaints policy.**

## One School's Effective Support Strategies for Anxious Children

Within our Primary school community, we are seeing more and more children presenting with anxiety. It is much more than the usual anxieties that all children experience at some time or another; these young people are genuinely unable to cope with the demands of the school day.

We cannot always change a child's circumstances but we can give them the tools, skills and understanding to help them to manage their anxieties.

### UNDERSTANDING

- Develop an understanding of difficult emotions - by using an Emotion Coaching approach; staff are able to connect with the pupil in a positive way. Establishing an attuned connection with the child not only shows empathy but also enables the development of self-regulation. By recognising, empathising, validating feelings and labelling, we can help a child to move forward. Setting limits on behaviour and often present with children who are anxious.
- Healthy coping skills are encouraged - Mindfulness, breathing exercises, Time Out cards, Therapeutic Colouring sheets along with provision of named supportive 'Buddy', a listening ear from all staff and plenty of time and understanding are all simple, (inexpensive) yet supportive measures.

- <https://www.emotioncoachinguk.com>
- <https://www.notfineinschool.org>
- [https://www.sos-sen.com/sites/default/files/calm\\_brushing.pdf](https://www.sos-sen.com/sites/default/files/calm_brushing.pdf)
- <http://www.dps3.amazonaws.com/t-media/gpa/resources/CBTCCHILDworksheets.pdf>
- <http://www.rethinkid.com/pe-4-remission/>
- <http://www.eta-support.co.uk/time-cards/>

www.notfineinschool.org @nfi\_tweets www.facebook.com/NotFineInSchool



## Considering Home Education

There are a growing number of families in the UK that are choosing to educate their children at home for many reasons, and this is completely legal: all parents have a legal responsibility for ensuring their child is educated, and most parents delegate that responsibility to schools, but it is also an option for parents to educate their children themselves outside of the school environment. The parent does not have to have any particular qualifications to do this, and many home educating parents explore and learn new things alongside their children rather than 'teaching' in the conventional way. If a child is in a mainstream school then in order to home educate a letter must be sent to the school asking them to deregister the child. As soon as this letter has been received the school has a legal responsibility to deregister the child, and the child can stop attending school immediately. If the child is in a special school then the procedure for de-registering is slightly different - good information can be found here:

<https://www.educationstudies.org/index.php/ie-and-seni/can-i-deregister-my-child-who-is-currently-at-a-special-school>

Most areas have active communities of home educators that meet up for a variety of social and education outings, groups and clubs. Home educators are not required by law to follow the National Curriculum, and do not have to work a set number of hours - take assessments, meet any particular parents, or have lessons' in the same way that a school does. Every home educating family has the freedom to choose to organise their education in whatever way works best for them, and there are many different styles of education that people follow.

Some people choose to work in a style that is similar to school, and to follow the curriculum in a structured way using books, online programs and other resources. Many other home educating families organise their activities around their children's interests, aspirations or needs - perhaps by doing projects on topics of interest that incorporate lots of different skills from across the curriculum and beyond, or by spending less time on 'textbook' work and more time learning in alternative ways that better suit their child. These ways could include learning actively by doing and creating, learning through discussion and conversation, or learning visually by watching documentaries or YouTube videos. Many families find that it takes them a lot less time to cover material than it does in school, due to the freedom to focus on the areas that the child particularly wants to work on and to do so in whatever way the child finds most engaging and helpful.

Other families don't do any organized 'teaching' lessons or activities at all, but instead choose to let their children direct their own learning by exploring whatever they're interested in. This is often referred to as 'autonomous home education' or 'unschooling' and works by allowing children's own curiosity to drive their learning and development.

www.notfineinschool.org @nfi\_tweets www.facebook.com/NotFineInSchool



## 'Pick n Mix' Template Letter

Please select the paragraphs you need and copy & paste them into a Word document and then adapt and personalise them with your own details.

- Sections:
- INTRODUCTORY DETAILS
  - ASKING FOR HELP WHEN ANXIETY OR SCHOOL REFUSAL BECOMES AN ISSUE
  - RESPONSE IF YOU ARE ASKED TO DO SOMETHING YOU DO NOT AGREE WITH
  - REPLYING TO A LETTER THREATENING PENALTIES OR PROSECUTION FOR NON-ATTENDANCE
- Then choose additional paragraphs as applicable:
- IF ANY SEND IS ALREADY DIAGNOSED
  - ACTIONS SCHOOL SHOULD BE TAKING
  - IF YOU WANT TO APPLY FOR AN EHCP
  - IF PHYSICAL ILLNESS IS A REASON FOR AN EHCP
  - IF THE SCHOOL REFUSE TO ACCEPT A DIAGNOSIS OR EVIDENCE
  - ACCURATE MARKING OF ATTENDANCE REGISTERS (if section 4 has not been used already)
  - LETTER ENDING - choose from the standard ending or the ending if the letter is a response to a threat of prosecution

- If emailing, 'cc' any other relevant people - SWO / Head Teacher / Your MP / GP / CAMHS
- You may need to adapt the wording in places to fit your circumstances
- Blue text indicates places to fill in your own details
- Red text indicates choices to be made
- Black through-out text: Use the combinations of paragraphs, make sure you are responsive and blue text is changed to black
- DELETE any instructions left within the text and make sure you are responsive and blue text is changed to black

Your name  
Your address  
Date

RE: [Your child's name and school/class details]

Dear.....

1. INTRODUCTORY DETAILS

A selection of NFIS resources