



Not Fine in School

[www.notfineinschool.co.uk](http://www.notfineinschool.co.uk)

## Unauthorised absences from school

### Survey results from Not Fine in School, June 2023

At the Education Selects Committee session on 7 March 2023<sup>1</sup>, the Children’s Commissioner Dame Rachel de Souza presented information around attendance data from 2021/22. At the time, she reported that around 78% of schools are submitting real-time data via the Government portal<sup>2</sup>.

From this data, her office estimates that that of the 1.6 million children who are persistently absent<sup>3</sup> from school, around half of these – 818,000 – have absences that are for reasons other than illness.

***“I have analysed the data, which is public data now, and calculate that 818,000 children of the 1.6 million children—that is around half—who were persistently absent were not absent due to illness.”***

The validity of this analysis relies on the accuracy of the data itself. Based on anecdotal evidence within Not Fine in School and our own team’s experiences, we questioned whether schools are in fact reporting absences correctly, and whether absence codes are being consistently applied.

Every day we hear from parents struggling to get absences authorised for legitimate reasons. Most commonly, the reasons that are rejected are to do with poor mental health, unmet needs and emotionally based school avoidance (EBSA).

However, we also hear from parents with children with long-term physical health conditions, experiencing the same issues.

### Statutory guidance

Absences from school can be authorised, as stipulated in The Education (Pupil Registration) (England) Regulations 2006<sup>4</sup>, where the reason for absence is ‘sickness or unavoidable cause’.

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<sup>1</sup> [7 March 2023 - Persistent absence and support for disadvantaged pupils - Oral evidence - Committees - UK Parliament](#)

<sup>2</sup> [Share your daily school attendance data - GOV.UK](#)

<sup>3</sup> Persistently absent is defined as missing 10% or more of sessions.

<sup>4</sup> Regulation 6, content of Attendance Register, section 2, [The Education \(Pupil Registration\) \(England\) Regulations 2006](#)



S Q U A R E P E G

Currently, Government guidance<sup>5</sup> states that absences for illness (both physical and mental health related) must be authorised with Code I: Illness (not medical or dental appointment), unless there is '*genuine and reasonable doubt about the authenticity of the illness*'.

Absences recorded with Code I are therefore counted as authorised absences.

### **Unauthorised absence codes**

There are currently four codes which can be used in school registers for unauthorised absence.

These are as follows:

- *Code G: Holiday not granted by the school or in excess of the period determined by the school*
- *Code N: Reason for absence not yet provided*
- *Code O: Absent from school without authorisation*
- *Code U: Arrived in school after registration closed.*

### **Unauthorised absence survey**

To better understand the scale of the problem, we asked our 40,000-strong parent peer support group about their experience of unauthorised absences, with particular focus on Codes O and U, both of which constitute unauthorised absences for reasons other than illness. Code G is not relevant for our purpose, though we accept that such absences may make up part of the 818,000 children estimated by the Children's Commissioner who were persistently absent. Code N is considered a holding code, and therefore has also been omitted from our survey.

Data is based on 880 responses, collected between 16 March and 29 April 2023.

The full survey can be found here:

<https://forms.gle/jbARbMF5Q4AfNnsBA>

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<sup>5</sup> Sections 219 - 220, [Working together to improve school attendance - GOV.UK](#)

## Use of unauthorised absence codes

We asked families in the Not Fine in School group about their experience of the use of unauthorised absence codes.

### – Code O: Absent from school without authorisation

Seven out of ten of parents who completed the survey said that the school had marked their child’s absences as unauthorised (Code O). For some families, all absences had been marked as unauthorised.

However, there was a lack of clarity for some parents, with 15.3% saying that they weren’t sure how absences were being coded, leaving only 13% who hadn’t had absences marked with Code O.

We asked people for the main reason behind their child’s absence from school:

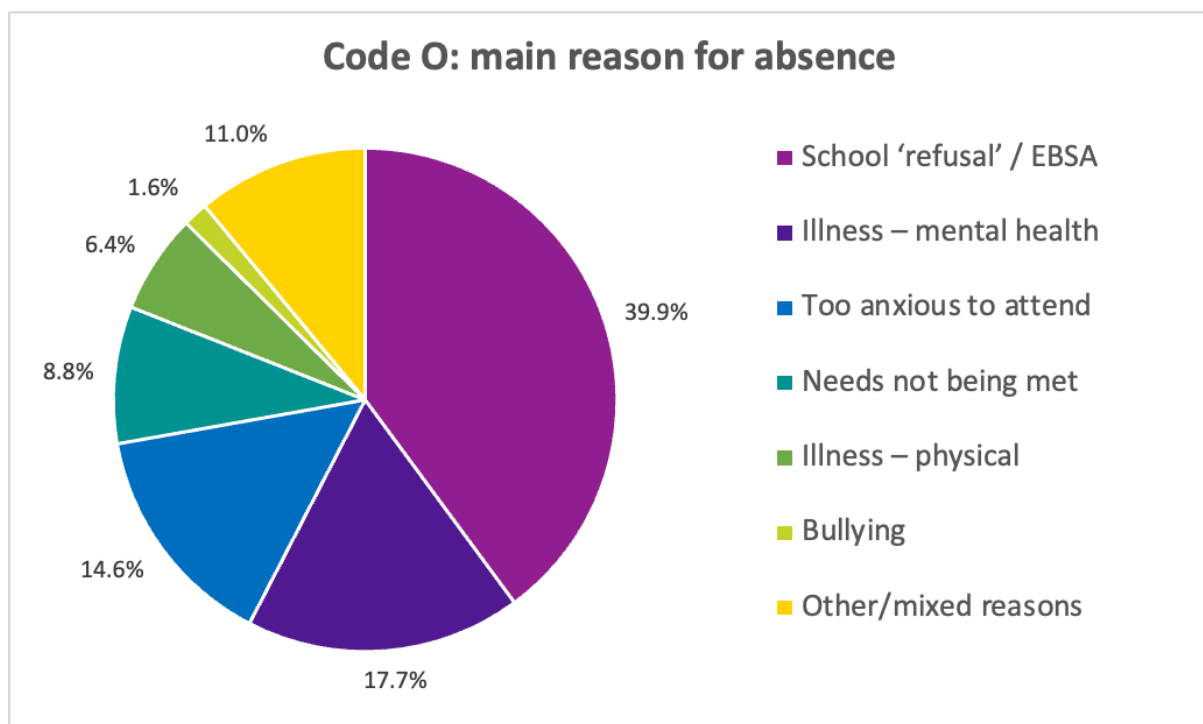


Figure 1 – main reason given by parents for their child’s absence from school, where absences have been marked with Code O

Other reasons given by parents for their child’s absence included autism, sleep issues, close family illness (such as cancer) and bereavement, recovery from suicide attempts, and ‘child on child’ abuse at school. A number of people said that it was a combination of reasons, often physical symptoms of anxiety such as vomiting and headaches, as well as poor mental health because of unmet needs.

A number of parents expressed concern about the school’s inability to safeguard their child adequately when on school grounds. This was from two perspectives: keeping the child safe from themselves, when there was a history of self-harming behaviour, and keeping the child safe from their peers, where bullying, physical violence or coercive behaviour had already been reported.

### – Code U: Arrived in school after registration closed

Nearly one in three parents said that the school had marked absences as Code U, though around a quarter of respondents were unsure whether Code U was present on their child’s attendance register.

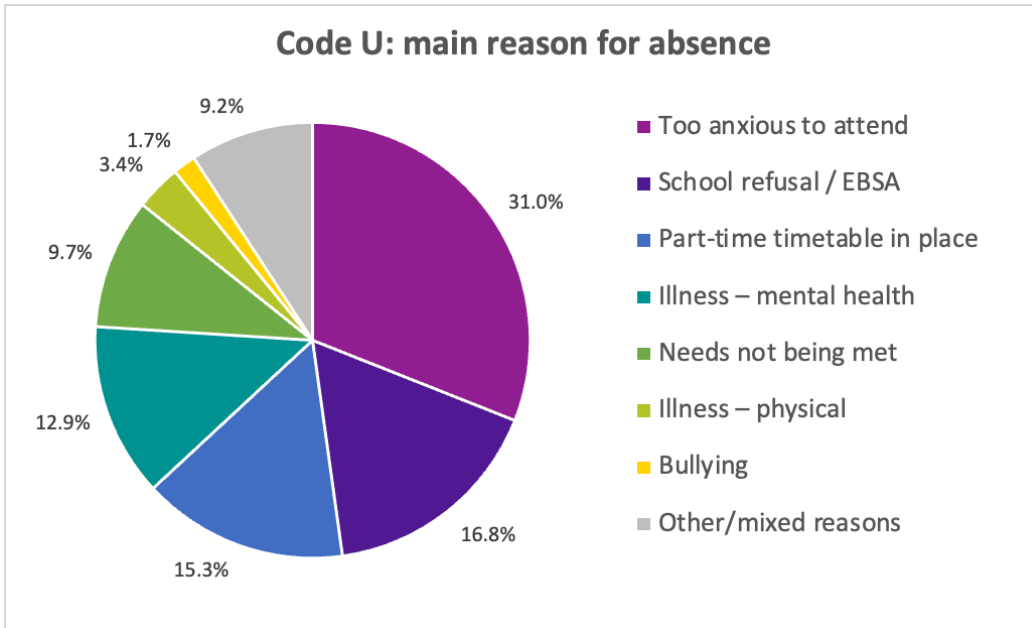


Figure 2 – main reason given by parents for their child’s absence from school, where absences have been marked with Code U

Where Codes O and U have been used by schools, it’s clear from the survey results that the main underlying reasons for absence relate to mental health. We have heard first-hand from school attendance teams that anxiety is not deemed to be a valid reason for absence.

**Our recommendation**

**Introducing an absence code for mental health will help schools code these absences correctly and will give us better data – that’s why we’re calling for this via our ‘3 ASKS’**

## School coding decisions

Next, we asked parents what reasons were given to them by the school as to why their child’s absences were being marked as unauthorised.

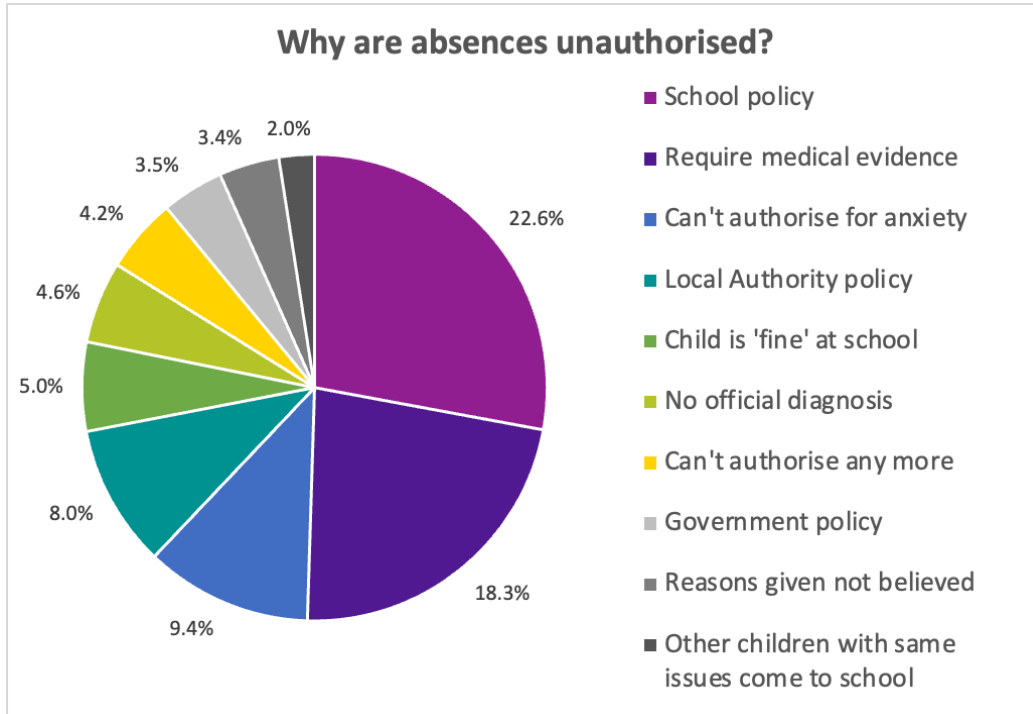


Figure 3 – main reasons given by schools as to why a child’s absences cannot be authorised

Policy – either school, Government or Local Authority – was given as the reason in more than one third of cases. The top three most cited reasons – *School policy*, *Require medical evidence* and *Can't authorise for anxiety* – accounted for nearly 50% of the responses.

Of the remaining 20% of responses not represented in Figure 3, half of these said that no reason or explanation had been offered by the school. The rest covered a wide variety of reasons, with the school often changing their reasoning for different periods of absence, even when the absences were linked.

One parent stated they had been told that only the Education Welfare Officer could determine the absence code.

Some parents feel pained by the injustice of the absence codings. ***“Rules don’t come from them – it’s higher up & not valid reason if it’s school trauma or anxiety from unmet needs and abuse or neglect in school. Docs notes not even accepted, other children fine if they’re ill with same stuff. Can’t authorise anymore.”***

65.1% of respondents have challenged the unauthorised absences marks.

### Medical evidence

We know anecdotally from within the Not Fine in School group that schools often require medical evidence to confirm the reason for absence. This is contrary to statutory guidance stating that medical evidence should not be routinely asked for, and the fact that GPs have no mechanism to provide this

– there is no ‘Fit for School’ note. With waiting time and lists for services like CAMHS increasing, getting a letter from a consultant or mental health professional is near impossible. That’s if the child is even accepted into the relevant service because the thresholds are so high.

One parent commented, **“The school hide behind the claim that they are required to request medical evidence because that is the local authority policy – they refuse to act independently and apply government guidance that medical evidence should not routinely be required.”**

In fact, 56.8% of parents who completed the survey said that school had requested medical evidence for ill health – both physical and mental.

A variety of evidence had been provided – 38.2% had been able to supply a letter from an NHS professional, whilst 5.1% had paid for a letter privately. One in five families have provided more than one piece of evidence of a medical nature. As well as the types lists, other evidence provided included appointment cards, prescriptions and hospital discharge letters.

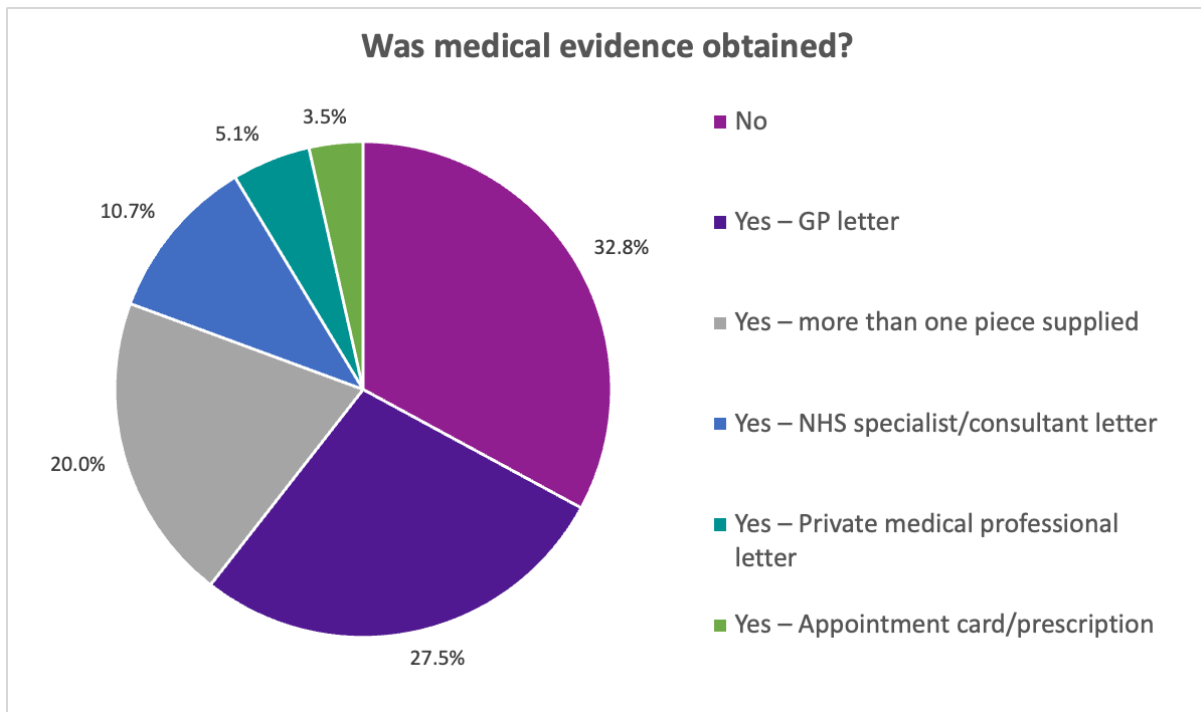


Figure 4 – types of medical evidence obtained by parents as proof of their child’s illness

Of more concern than the need to provide evidence in the first place, where medical evidence was obtained, in only 31.8% of instances was it accepted by the school. For more than a third of cases (37.1%) no reason was given as to why it was rejected. In a further 36% of cases, they were told that the evidence they obtained was either insufficient, had the wrong wording or needed to be from a higher level medical professional than a GP.

One parent said **“They [the school] say they can’t change their policy and only allow up to 10% as authorised absence for any illness including mental health”**.

Only 17% of people said that obtaining medical evidence had led to unauthorised absence codes being changed to Code I: Illness.

New guidance from the DfE issued in February 2023<sup>6</sup> concerns mental health issues, and the Children's Commissioner's own report from March 2023<sup>7</sup> highlights that around 1.4 million children and young people have a probable mental health condition.

Nevertheless, schools are enforcing strict Attendance policies which do not adhere to current guidance, placing extra pressure on families who are already dealing with high levels of stress and difficulties at home.

One parent commented on the effect that incorrect coding had on their own wellbeing. ***"I became obsessed with checking the Go4Schools Parent Portal, logging in sometimes a couple of times each day to see whether my daughter's attendance / absence had been correctly coded. It became a source of real distress for me, and I wasted so much energy trying to get the codes rectified – energy that would have been far better spent trying to support my mentally unwell autistic daughter."***

As already raised in Square Peg's submission to the Education Select Committee's Call for Evidence, ***"the Government should give careful consideration to the impact of live attendance monitoring on the health and wellbeing of children and families."***

## **Our recommendation**

### **We propose a solution via our '3 ASKS' – Introduce an Attendance Code of Practice**

We believe that introducing an Attendance Code of Practice will make the use of absence codes more accurate and consistent, and reduce the need for proof of absences. There's evidence for this – the SEND Code of Practice<sup>8</sup>, introduced in 2014, has improved the implementation of the statutory guidance for pupils with Special Educational Needs.

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<sup>6</sup> [Mental health issues affecting a pupil's attendance: guidance for schools - GOV.UK](#)

<sup>7</sup> [Children's mental health services 2021-2022 | Children's Commissioner for England](#)

<sup>8</sup> <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

## Threats of sanctions

We asked people whether they had been threatened with a fine or prosecution. This included either a verbal threat or written warning. More than half of families said they had been threatened.

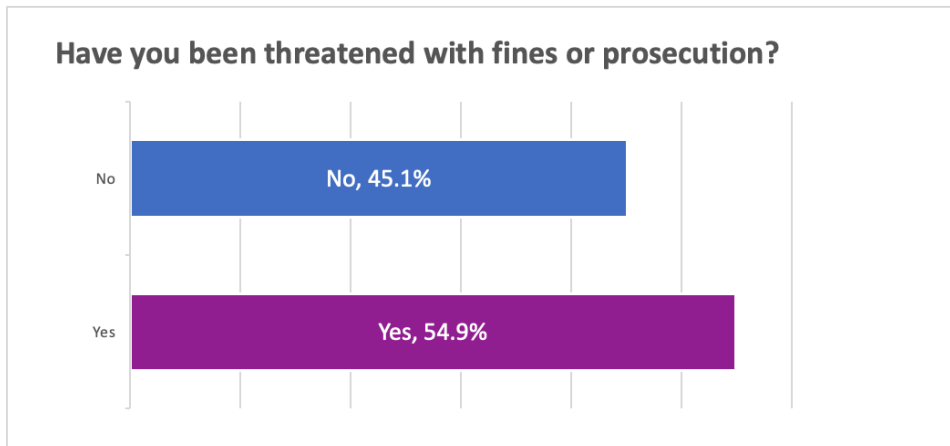


Figure 5 – percentage of parents threatened with fines or prosecution under current truancy laws

Of the 869 people who responded to the fines/prosecution question, a small minority – 3.8% – had actually received a fine or faced prosecution. Whilst this may seem relatively low, if the absences were for genuine reasons, this figure should be zero.

One parent said, ***“I am currently going through the court system for prosecution despite giving education welfare and court lots of medical evidence.”***

In 2019 there was a legal challenge around what is classed as sufficient medical evidence. East Sussex County Council brought an appeal against a decision of a magistrates court that parents had a defence to the claim they had failed to ensure their son’s regular attendance at school – that defence being his ill-health. The administrative court dismissed the local authority’s 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<sup>9</sup>.

The parent of one 10-year old who responded to the survey said, ***“They didn’t contact us for 3 months until psychiatrist called them and asked what on earth they thought they were doing ignoring a vulnerable child with severe mental health issues. Then they reacted by threatening us and saying the don’t accept the psychiatrist explanation as they didn’t “rate” him as competent (a senior NHS CAMHS psychiatrist). They would not explain who they would consider competent.”***

It’s not only parents that are threatened with sanctions. It’s common to hear stories in the Not Fine in School group of school staff telling children who are experiencing barriers to school attendance that they will be responsible for their parents going to jail, with just over 50% reporting this via the survey.

<sup>9</sup> See [Not Fine in School website for relevant judgments and case law](#), including East Sussex CC v. Sussex Central Area Justices 2019





Figure 6 – split of children being told that parents will be penalised for school absence

This is of huge concern – that school staff are further jeopardising a child’s mental wellbeing and using emotional blackmail to coerce a child into school.

Article 19 of the United Nations Convention of the Rights of the Child (UNCRC) states that:

**1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.**

The Child Rights International Network<sup>10</sup> further defines mental violence to include:

**“punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”**

We also hear every day of the impact that these threats are causing for families. As one parent commented, **“Forcing my child caused trauma which I am devastated about and hope he recovers in time, I didn’t listen but was scared about prosecution and forced him when he was highly distressed.”**

Another said, **“[School] told me ‘school avoidance is just bad behaviour’, told child ‘if you don’t buck your ideas up & come to school, your mum is going to end up in prison and then you won’t have ANY parents to cling to and hide behind!’ ”**

Attendance statistics are also used in alarming ways. Several parents said that attendance figures are often read out in their child’s class. **“Child’s attendance is read out weekly in class, I feel this is not supportive and shames children. I dislike receiving letters stating attendance is unsatisfactory when medical evidence has been provided for absence.”**

This was a common theme in the comments:

**“In his first secondary school attendance was read out, we and he were threatened with detention. When attendance suffered due to threats of detention both he and us were threatened with fines. I asked for reasonable adjustment - I wanted threats of fines and detention stopped. This was refused at a review meeting, the SENCO showed me the palm of**

<sup>10</sup> [Article 19: Protection from abuse and neglect | CRIN](#)

***her hand blocking my face and refused to discuss the matter. Ultimately I made an evidenced complaint - the school accepted they had bullied, discriminated and harassed my son. All the usual – wanted evidence, refused to authorise absence and when they read his attendance out he came home in tears the class had laughed at him. He then missed three days in school and we were summoned to explain his absence!***

The same parent said that their child was no longer at school, and was enjoying a far more positive experience at college. ***“He started post-16 college in 2021 and despite anxiety and worry has had 100% attendance and they mark by the lesson not the day. I put this down to be treated with respect and dignity.”***

## **Our recommendation**

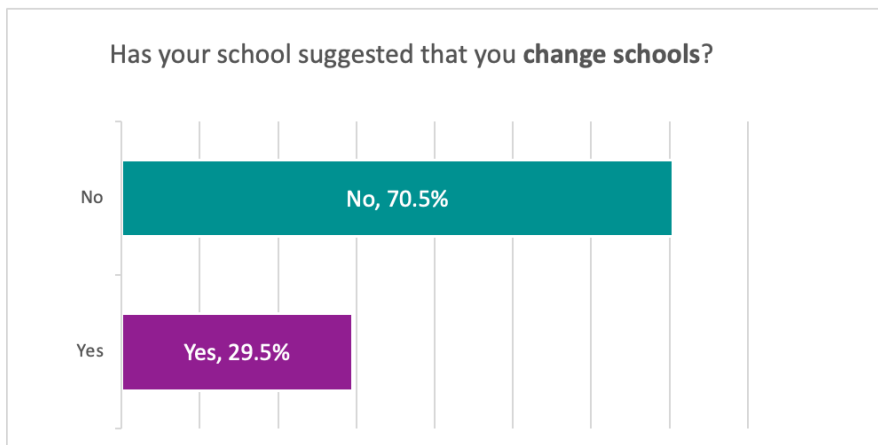
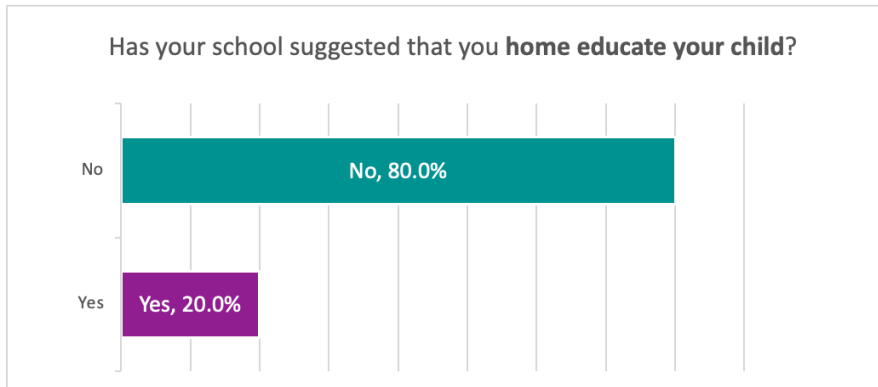
**This is why we’re calling for an end to truancy laws via our ‘3 ASKS’**

This is further supported by evidence from the charity Transform Justice, whose contribution is included in the Call for Evidence submission made by Square Peg. They describe the use of fines and prosecution as ***“very blunt instruments to address a complex situation”*** and argue that ***“there is no evidence that criminal sanctions act as a deterrent.”***

## Off-rolling

Ofsted defines off-rolling<sup>11</sup> as: ***“the practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil. This includes pressuring a parent to remove their child from the school roll.”***

Again, this is a common theme in the Not Fine in School group. When responding to the survey, one in five parents said it had been suggested that they home educate. The figure was higher when it came to advising to move school – with nearly 30% saying that their school had made this suggestion.



At Not Fine in School, we firmly believe that the practice of marking absences as unauthorised – and the subsequent threat of fines – is designed to encourage parents to consider alternatives, whether that’s a new school or home education.

### Further recommendation:

**We believe that schools with higher rates of unauthorised absences should be scrutinised to understand why they are using attendance codes ‘O’ and ‘U’.**

For many parents, deregistering is the only way to protect their child’s wellbeing. ***“I felt forced into deregistering my son. His mental health declined so much.”***

<sup>11</sup> [What is off-rolling, and how does Ofsted look at it on inspection? - Ofsted: schools and further education & skills \(FES\)](#)

'Elective home education' is a term that many of our parents would reject, where they have had no choice but to pull their child out of school. If anything, these children are being **'functionally excluded'** by the misuse of unauthorised attendance codes.

Other attendance statistics are unreliable too, as one parent explained: "***The data is falsified from my son's last school - they recorded him at 76% in the March when he had been entirely absent since the January and in for approx 10 minutes per day from the previous October.***"

### **Part-time timetables**

Part-time timetables are often used as a way to reintegrate a child back into school, as part of a graded exposure technique when a child is struggling to attend school, or after a prolonged period of absence. However, these timetables should be used carefully and with professional advice, which is not always our families' experience. Similarly, for parts of the day when the child isn't in school, these periods should be marked as authorised – after all, the school has agreed to the reduced hours.

The recent focus by Ofsted on the misuse of part-time timetables has also had a knock-on effect for children and families.

***"We had to de-register our son as we were told that our son who was struggling on a reduced timetable had to go back full time or we would be fined and prosecuted by the LEA. We could not get a medical reason as we were told by the GP that it was CAMHS (2 1/2 year wait) or private diagnosis. We have been forced to home educate and I have had to give up my job. It is absolutely disgusting that the LEA and schools in our opinion do nothing to help parents and children that are struggling."***

### **Other data**

Nearly 60% of responses came from parents with children at secondary school. However, there were also 27.9% of parents with children at KS2 age (8-11).

We had responses across the range of attendance levels. 43.2% of parents have children who are persistently absent (missing 10% or more of sessions). 38% of parents have children who are classed as severely absent (missing 50% or more). 1 in 8 respondents said that their child had not attended school at all this academic year.

## Summary

The survey results indicate that the use of absence codes by schools is inconsistent and often contrary to the Government's guidance. It's concerning that so many parents are reporting that their reasons for their child's absences are not being believed, meaning that these children are likely to miss out not only on their education, but also on the support that could make a difference to their wellbeing. As stated in the **Working Together to Improve School Attendance guidance**<sup>12</sup>, persistent requests for medical evidence is putting undue pressure on already stretched services. Not only this, but there is also substantial evidence that professional medical opinions are also being questioned, even rejected, by school staff.

We consider that, because there is no difference to the overall attendance percentages when using authorised and unauthorised codes for absences, that the unauthorised codes are being used as a tool to manage ill and vulnerable children off school rolls.

### 3 Asks

Not Fine in School works in close partnership with Square Peg. Together we have an ongoing campaign which calls for a compassion and welfare-based approach to address school absence.

For this we have '3 Asks'<sup>13</sup>:

1. **Create a Mental Health Absence Code**
2. **Introduce an Attendance Code of Practice**
3. **End Truancy Laws**

Before more children and families suffer, we must address these continued problematic responses to attendance barriers. Criminalising parents does not solve the problems nor remove the barriers. Failing to validate absences caused by mental health issues – which often are a result of unmet needs – puts more pressure on families, at a time when they are already struggling.

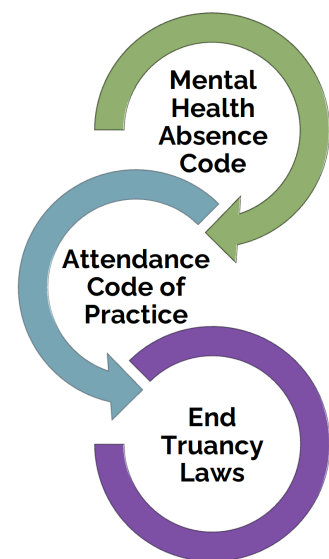
By joining our Not Fine in School peer support group, our 40,000+ members are already seeking information and advice as to how best to help their children and improve their educational experience. These are parents that care for their children, care about their wellbeing and education, yet are consistently faced with criticism, judgement, threats and sanctions.

### Support not sanctions

Focus should be placed instead on support – providing pastoral support to children and young people, alongside better access to mental health care. Ideas to achieve this include a Pastoral Key Worker Service with a multi-disciplinary approach. This, amongst several other recommendations, has been proposed by our partner Square Peg in its submission to the Persistent Absence enquiry (attached).

Not Fine in School families are crying out for support, compassion and understanding. Most parents want their children in school, and most children want to learn. Let's support them.

**We can do better. Together.**



<sup>12</sup> See page 58, section 220: [Working together to improve school attendance - GOV.UK](#)

<sup>13</sup> [3 ASKS | Not Fine in School](#)