***Contact’s Attendance Asks***

The drive for extremely high attendance has allowed a toxic culture to develop throughout the education system. Both the previous and new government have put pressure on making “Moments Matter” and Raising Standards for Attendance. This has created a system in which attendance figures are prized over a pupil’s wellbeing and access to education.

Added to this pressure from government is the need to obtain a good Ofsted inspection rating, of which attendance data is a crucial element. This has led schools to pursue militant approaches to attendance above and beyond what guidance requires, and the law allows. While schools have some discretion over their own attendance policy, the enhanced autonomy Multi Academy Trusts have has created large disparities in policies.

This approach disproportionately impacts disabled children and those with physical and mental health condition, for whom high attendance is often an unrealistic aim. Government policy defines a child persistently absent if their attendance goes down to 90%. It is therefore unsurprising that a disproportionate number of pupils with a disability or SEN feature in persistent absentee data. Indeed, government data shows that 34.1% of pupils with an EHC plan and 28.2% with SEN support are persistently absent.[[1]](#footnote-2)

The government’s punitive approach to non-attendance means families with disabled children face great injustice. As soon as a child is classed as a persistent absentee, their parents can be fined and summoned to court. Schools threaten them with fines and prosecution despite government guidance to the contrary. Parents tell Contact that schools blame and harass them when their child is absent even for medical issues.

The combination of navigating the current SEND system, long wait times for NHS referrals, and the threats of fines and legal proceedings, is resulting in adversarial and unequal experiences for families with disabled children. It is therefore unsurprising that we have seen a rise in parents choosing to home school to put an end to the undue pressure and threats which schools levy against them in pursuit of high attendance.

For some children with disabilities, attendance is linked to the provision of school transport. If you cannot physically get to school or college, you simply cannot attend. Many children and young people with disabilities have to go to a school or college further away from home, just to get to the place of education that can meet their needs. For some, walking or using public transport is not an option.

Contact is calling for the government to take 4 crucial steps to reset this unjust approach to attendance.

1. **A system-wide cultural change in both the narrative and approaches to attendance**
2. **Create an Attendance Code of Practice consolidating all government guidance in one place and establish consequences for schools who disregard the code.**
3. **Establish robust accountability mechanisms for all education settings who fail to comply with their statutory duties under the Working Together to Improve School Attendance Guidance and the Equality Act 2010**
4. **Significant investment in the SEN System so that missing education is not a result of a pupil’s needs not being met in school or a lack of appropriate education setting.**

For more information on these 4 steps please see below.

1. **A system-wide cultural change in both the narrative and approaches to attendance**

There is a prevailing misunderstanding that school attendance in every case is a result of pupil or parent choice. Policies such as free breakfast clubs to improve attendance and fining parents for school days missed perpetuate this. For many disabled children, their school attendance is dependent upon their medical condition, health and the support they receive in school.

Schools are under great pressure to have high attendance rates. This contributes to their Ofsted rating. 51% of school governors and trustees surveyed by the National Governance Association (July 2024) identified Ofsted as the single most significant factor shaping practice within their school or trust.[[2]](#footnote-3)

Educational settings, particularly Multi Academy Trusts, are often requesting medical evidence (which the guidance doesn’t require in the first instance) and then refusing to authorise absence due to medical issues. Indeed, many schools are also refusing to send schoolwork home to children not in school. This demonstrates that they are interested in attendance rather than the education of their pupils.

In the pursuit of high attendance figures, many schools are becoming increasingly adversarial with both parents and pupils. They are using the threat of fines and prosecution to increase attendance, even in cases of illness. We hear from parents who feel harassed by the school. They are called and visited by school staff multiple times a day to check that their child cannot attend. These approaches have a detrimental effect on already vulnerable, struggling children, parents, and the wider family.

Children are expected to stay in education or training beyond the age of 16. Yet guidance leaves the provision of transport at the discretion of local authorities for this age group, leaving many families in the lurch and without transport. This in turn risks their employment and their child's education. Guidance needs to catch up and close this loophole. Disabled young people, who might have relied on transport to get to school, must have the same right to get to college.

***What we would like to see***

* Government policy and guidance must emphasise a holistic individually-tailored approach to school attendance.
* Ofsted inspection criteria should be reconfigured to focus on how schools support pupils to access education in various forms, rather than on rigid data targets.
* A culture shift in all schools away from penalising absences to supporting children to catch up and continue their education remotely when they are not able to physically attend.
* Schools must not withhold work from children unable to attend school.
* Both the government and educational settings must recognise parent carers as best placed to judge when their child is fit to attend school.The only exception to this is when genuine safeguarding concerns exist.
* Support plans should be co-produced by the pupil, parents, schools, and other professionals and reviewed regularly.
* Significant investment in the specialist workforce and mainstream SEN support so that schools can provide access to a range of in school support. Unmet need should no longer be a reason for non-attendance.
* A system established to allow for oversight of decisions to electively home educate. This will ensure parents are not forced into home education because of unlawful practices and undue pressure for attendance from the school. If this is found to be the reason for withdrawal, there must be consequences for the school and the unlawful practice must be rectified.
* More funding for organisations like Contact and Define Fine who provide support and advice to families whose disabled children are persistently absent due to illness yet are facing extreme pressure to attend school. This funding will be an interim measure while a new supportive culture is established.

1. **Create an Attendance Code of Practice consolidating all government guidance in one place and establish consequences for schools who disregard the code.**

Currently there are various government guides regarding how schools should approach their attendance policy. This includes the Working Together to Improve Attendance guidance and guidance on mental health issues affecting a pupil’s attendance. These guides contradict each other in places and should be consolidated into one comprehensive document.

Moreover, Contact is aware from our specialist education helpline that schools regularly disregard government guidance. They routinely threaten parents with fines when their children are off due to illness. They require medical evidence in cases of illness and often put pupils with SEN on permeant part-time timetables. All of this is contrary to the guidance.

***What we would like to see***

* The establishment of an Attendance Code of Practice which consolidates all existing guidance, eradicating any contradictions to provide clarity on Government expectations of school attendance policies. This will include what policies must contain to remove barriers to attendance and cultivate a support first approach.
* This Code of Practice will ensure due diligence, scrutiny and oversight in the development and implementation of robust, comprehensive attendance policy and practice. It will allow Ofsted to assess how effectively a school supports pupil attendance, whilst giving parents a document to refer to when challenging poor practice.
* The government must make clear that all educational settings including MATs follow the guidance
* The government must consider whether guidance supports the provision of appropriate transport for eligible disabled children and young people. The government must create a system of oversight so that schools can no longer ignore government guidance without consequences.

1. **Establish robust accountability mechanisms for all education settings who fail to comply with their statutory duties under the Working Together to Improve School Attendance Guidance and the Equality Act 2010**

* Many schools regularly fail to comply with their legal requirements to make reasonable adjustments to their attendance policies for disabled children. In these cases, schools are also in breach of statutory guidance. This says that schools must make adjustments to their attendance policy for those with long term physical or mental health conditions or who have special educational needs and disabilities (SEND).
* Schools are threatening parents with fines if their child cannot attend because of ill health, demanding or not accepting medical evidence so absence can be authorised, imposing part time timetables without specifying an end date, all of which is contrary to legal guidance. For instance, the guidance says that medical evidence for recording absences should only be needed in a minority of cases. Part-time timetables should have a proposed end date.

It is clear from the helpline calls Contact receives that schools are frequently flouting their duties. Many parents tell us that despite providing medical evidence of their child’s condition to the school, their child’s absences are unauthorized and they have received letters threatening fines as a result.

* Many schools are illegally using part-time timetables to deal with children whose needs they cannot meet. This constitutes disability discrimination. Indeed, Contact’s helpline hears from parents whose children attend school for as little as 30 minutes a day. This cannot be conducive to a meaningful education.
* Part-time timetables are appropriate and helpful in some cases. But there is a disjuncture where school-condoned absence is acceptable for the government when a school cannot support a pupil’s needs, but parents are penalised for persistent absence.
* In the last 12 months, there has been a 21% increase in calls to Contact’s helpline about exclusions of disabled children from schools. There are also an increasing number of younger children, aged just four and five, with an additional need who are facing exclusion.
* In many of these cases, schools are illegally excluding children because they cannot meet their needs. This is discrimination. Often schools are applying blanket behavior policies without complying with their duty to make reasonable adjustments under the Equality Act 2010. The government is again not holding schools who breach the equality law to account, allowing for schools to act with impunity.
* The loophole in transport guidance for post 16 students makes the provision of appropriate transport for eligible disabled children discretionary. Many young people are missing out on transport and risking non-attendance.

.

***What we would like to see***

* The government must ensure that Ofsted inspections consider the reasonable adjustments schools put in place and a school’s compliance with their statutory duties under the working together guidance. It must hold them accountable if they fail to comply with any legal obligations. This must be reflected in a school’s Ofsted rating.
* Muti Academy Trusts must be subject to the same level of scrutiny about their attendance policy to ensure that it is legally compliant.
* All Ofsted inspectors must be trained in equality law, and have a comprehensive knowledge of statutory guidance, so they can identify, assess, and report on potential legal breaches.
* Comprehensive and regular training on how to comply with the Equality Act 2010 and statutory attendance guidance must be mandatory for all school staff. It should be taught in initial teacher training.
* Truancy officers and workers must receive regular training in the legal duties to make reasonable adjustments so they can identify when these are not being met.
* Schools need to be held accountable for any practices of illegal exclusion and use of part time timetables. We suggest that either the Minster for Disabled People or the Minster for Schools has responsibility for ensuring that discrimination against disabled children regarding their attendance (or lack there off) at school is unacceptable.
* The publication of the outcomes of Disability Discrimination cases held by the SEND Tribunal, anonymised. This would enable everyone to see and learn from decisions and spot patterns of breaches in law. Schools that are frequent offenders could be flagged for further investigation, training and potentially subjected to a public accountability hearing to explain their failings.
* Schools who implement good practice around attendance should be publicly praised by the Department for Education.
* The government should issue a reference guide to every teacher and all professionals across education, health, and social care regarding how attendance must be approached in a support first way for those with medical conditions and SEN. This should include a summary of the Working Together to Improve Attendance guidance. We suggest that this contains pages 23-27 and other relevant current government guidance such as: The SEND code of Practice, Supporting pupils with medical conditions, and education for children with health needs who cannot attend school.
* We would like the re-consideration of transport guidance for disabled Post 16’s. A lack of transport for those who rely on it must not mean they have to miss valuable education.

1. **Significant Investment in the SEN System so that missing education is not a result of a pupil’s needs not being met in school or a lack of appropriate education setting**

* Many disabled children cannot attend school, are illegally excluded, and unlawfully placed on part-time timetables because their needs are not or cannot be met by their school.
* Persistent absence from school is a well-recognised sign that a pupil’s needs are unmet. Contact and IPSEA surveyed 2,000 families in February 2025 with children who have special educational needs, but who did not have an Education, Health, and Care (EHC) plan. Our findings revealed that lack of SEN Support in schools is negatively impacting pupils, causing 60% to experience school avoidance, 47% to experience school absence, 22% to be placed on Part-time timetables and 14% to be Excluded.[[3]](#footnote-4)
* Years of austerity have diminished greatly the support schools can offer for those with SEN.
* Where needs cannot be met at a local school or college it forces children to travel longer distances just to get an education. This is not through choice.

***What we would like to see***

* The SEN system must be made more robust through the development of accountability mechanisms to hold schools accountable for non-compliance with law and guidance.
* SEN Support in schools must be placed on a statutory footing. This would mean schools have a legal duty to support pupils who show signs of unmet needs in school, which often coincide with poor attendance, from the earliest signs of difficulties The Code of Practice sets forth what a school should do to support those with SEN who do not have an EHCP. But a school only needs to have regard to the Code; it doesn’t have a legal duty to comply with it.
* Building capacity and increasing retention of the specialist workforce. By this we mean any professional who supports with SEN provision, including teachers, support staff, medical professionals, mental health teams and school nurses.
* All schools must be able to call in a range of specialists including speech and language therapists (SALTs), occupational therapists (OTs), educational psychologists (EPs), physiotherapists and mental health workers when necessary for assessments and input so that pupils’ needs are met.
* The government needs to end the Safety Valve Agreements and Delivering Better Programmes that place cost cutting above quality SEN provision, so that more children with SEN can be supported in school, leading to increased attendance.
* The government and local authorities need to recognise that a school setting is not appropriate for every child. They should endorse other types of education provision such as Flexi schooling, part time timetables and EOTAS, but only when they are deemed appropriate by the school, parent, child, and other professionals.
* Whilst school transport will always be necessary for some children, the development of locally inclusive schools and colleges would help tackle the growing need for school transport.

***A few examples of current attendance practice***

***A Neurodivergent child with sensory and communication***

Child was in year 4. School refused to acknowledge the child’s SEND as they were cognitively able. Parent given an ultimatum to send child to school all day, every day or home educate to prevent prosecution. Parent requested section 19 medical needs/ alternative educational provision which was refused. Educational Psychologist assessed and made recommendations which were not followed. The child was distressed, then physically restrained and forced into a classroom and was then not able to return to school. Parent was blamed. School made several referrals to social services despite social services repeatedly saying they had no safeguarding nor parenting concerns and recommended ND pathway and EHC Needs assessment as the most appropriate route. Parent met regularly with school, kept in communication but was still interviewed under caution, and the LA prosecution officer decided to proceed to court. Proceedings were paused pending the outcome of a second parental request for EHC needs assessment. Child is now very unwell. The LA have finally agreed to issue an EHCP, and professionals agree that the child is currently not able to attend any type of school or provision. An EOTAS package is being prepared.

***A child with a diagnosis of Autism and complex medical needs***

As a result of the child’s medical condition, they had been absence from school for several short periods The parent had always provided evidence for absence and kept the school updated. However, one day the parent was asked to attend a meeting at the school wherein they were told by the headteacher that some of the previous authorised absences for medical reasons have been changed to unauthorised and any further absence won't be authorised, and they would therefore be fined.

***7-year-old child with continence problems and is prone to UTI’s.***

As a result of their medical condition which causes regularly infections, they have missed school. The school has now informed the parent that their child can no longer be off school and have been verbally threatening court proceedings.

***Year 9 pupil with a unilateral hearing impairment, prone to fatigue from the extra concentration needed for lip reading and prone to ear, nose and throat infections***

The Pupil’s attendance around 87%. Parent referred to the LA Educational Welfare Office team who suggested she come into school when ill and that they required a letter from the GP for the attendance to be authorised or they would be issuing a fine. Parent had been trying to work with school to arrange reasonable adjustments and continue the good practice of her primary school, without success. After a period of being unwell with heightened anxiety around school her parent withdrew her to home educate. SENCO approved the decision and said it was unlikely they could have met her need as the academy have a method of teaching where the teacher moves around the classroom when speaking and it was not conducive to hearing impaired children. She is now awaiting the outcome of an EHC Needs assessment.

1. <https://explore-education-statistics.service.gov.uk/find-statistics/pupil-absence-in-schools-in-england> (accessed on 21/08/2024) [↑](#footnote-ref-2)
2. National Governance Association, Annual Governance Survey 2024 <https://www.nga.org.uk/news-views/directory/nga-survey-reveals-many-schools-struggle-to-balance-budgets/> (accessed on 21/08/24) [↑](#footnote-ref-3)
3. [Lack of SEN support leads to a sharp rise in school absence and EHC plan requests](https://contact.org.uk/about-contact/news-and-views/lack-of-sen-support-leads-to-a-sharp-rise-in-school-absence-and-ehc-plan-requests/) (accessed on 3.4.25) [↑](#footnote-ref-4)