

Educational Neglect Guidance

Guidance for professionals working with children
and young people who have concerns about
attendance and punctuality.



Oldham Council are committed to improving the educational outcomes for our children and young people. School attendance is a key priority for the council due to the links between low school attendance and attainment, wellbeing and wider life chances with compelling with long-term life implications for our residents (DfE, 2024).

A working group, comprised of representatives from the Inclusion Team, Social Care, the Virtual School and the Safeguarding Advisor for Education, has reviewed the previous Educational Neglect policy and agreed to produce guidance for schools and children's social care in relation to educational neglect. This guidance seeks to support the identification of educational neglect and outline the processes in place to improve school attendance in Oldham.

Why is it important to improve school attendance?

'The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special education need they may have. It is the legal responsibility of every parent to make sure their child receives that education by attendance at a school or by education otherwise than at school.' (Working Together to Improve School Attendance, DfE 2024)

High levels of school absence significantly impact on children's attainment. The Department for Education (DfE, 2024) reported that Key Stage 2 pupils (primary) with lower attendance did not meet the expected standard in reading, writing and maths, and an impact of Key Stage 4 pupils (secondary) not achieving grade 9 to 4 in English and Maths if they had higher levels of absence.

There have been many reports conducted that show the link between neglect and low school attendance. This is supported by the Department for Education who accepted a recommendation in 2012 that, 'persistent failure to send children to school is a clear sign of neglect and that children's social care services should work with schools to address underlying difficulties'.

Definition of Educational Neglect

The term 'Educational Neglect' refers to a parent's or carer's failure to ensure their child's educational needs are being met. Children have a legal right to an education and so failing to send the child to school on a regular basis is an example of educational neglect. It isn't illegal to take a child out of school if the parents/carers are providing an alternative educational provision, such as elective home education. Educational neglect as a term, is not used within Oldham's Continuum of Need, but attendance is referred to within the Thresholds of Need indicators in consideration of the potential impact upon a child.

The Department for Education (DfE) states that the 'persistent failure to send children to school is a clear sign of neglect'. Working Together to Safeguard Children (2023) describes neglect as the 'persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development' and Working Together to Improve School Attendance (2024) explicitly highlights where, 'a parent or carer failing to provide suitable education.' The NSPCC has supported this by citing that, 'failure to ensure regular school attendance which prevents the child reaching their full potential academically' as one of their six forms of neglect.

The Impact of Educational Neglect

Educational neglect, through persistent and severe absence, are recurring themes in Safeguarding Practice Reviews. In contrast, regular school attendance is a protective factor for the most vulnerable children and young people, providing opportunities for support whilst giving them the best possible start in life. Persistent absence is likely to be a result of other issues within a child's life, with a need for professional curiosity around the barriers to good attendance (DfE, 2024).

“Children being absent from education for prolonged periods and/or on repeat occasions can act as a vital warning sign to a range of safeguarding issues including neglect, child sexual and child criminal exploitation - particularly county lines.” (Keeping Children Safe in Education, DfE, 2023).

Research shows an association between persistent absence from school and several extra-familial harms, including crime where 90% of young offenders had been persistently absent and serious violence where 83% of knife possession offenders had been persistently absent (Working Together to Improve School Attendance, DfE, 2024).

Persistent absence increases a child's vulnerability and the risks for children including:

- Impact on a child's progress and development. Absences potentially impact on a child's opportunity to access activities that support their attention, learning, problem solving, social and emotional development.
- The ability of educational professionals to identify a child's needs in relation to their speech and language, learning, auditory, sensory etc.
- Missing out on developmental experiences and access to activities that enrich their development and therefore increases the child's potential to be isolated, impact ability to make friendship.
- A child not being seen daily by their teacher and friends. 'Engaging in education and being in school can also be a protective factor, helping to keep children safe whether they are at risk of harm within or outside the home. It also offers a safe space to access support, ensures oversight and support from professionals, and helps children discover their talents, develop resilience, and realise their potential' (Help, Protection, Education: concluding the Children in Need review, DfE, 2019)
- Impact of wider issues within the child's life, in school or out of school such barriers that require understanding to support the child
 - becoming NEET (Not in Employment, Education or Training)
 - being victims of harm, abuse or exploitation
 - becoming involved in criminal or gang-related activity

Potential Indicators of Educational Neglect

This list is not exhaustive or intended to act as a checklist but instead provides a framework to consider Educational Neglect. Indicators have been drawn from a range of sources including existing policies on Educational Neglect which have been introduced by individual Local Authorities.

- If a child is on roll at a school the parent has a legal duty to ensure their child attends on a regular basis, therefore it is a concern if parent(s) consistently fails in maintaining schooling

- Concerns around provision and suitability of Elective Home Education
- A Child is off-roll and not receiving an education otherwise, parent/s have not sought to identifying provision for their child:
- Parent(s) failing to engage in school/Trust/LA meetings to address attendance concerns (including voluntary interventions to explore barriers and offer support/early help)
- Parent/s not engaging as required with agencies beyond school, for example health services that leads to a delay/deterioration in their child’s development, lack of consideration of a child’s needs that impacts negatively on their child’s learning and development.
- Parent(s) failing to attend SEND meetings or engage with intervention services that leads to a delay/deterioration in their child’s development, lack of consideration of a child’s needs that impacts negatively on their child’s learning and development.
- Parent(s) unable to provide substantiated reasons for absences from school.
- Parent(s) failure to engage in statutory or non-statutory interventions to improve attendance.
- Parents are unwilling, rather than unable, to enforce boundaries and routines.
- A Child’s refusal to attend school/adhere to parental boundaries.
- Impact of adverse childhood experiences or multiple moves (school/addresses).
- Pupil engagement and attendance levels are identified as seriously impeding their development.

Attendance

Working Together to Improve School Attendance (DfE, 2024) outlines the definitions of Persistent Absence as 90% or less and Severe Absence as 50% or less from school. 90% attendance at school over a year, equates to 4 weeks of education missed.

School attendance figures explained:

Full Time Attendance 190 School Days	10 Days Absent	19 Days Absent					
	180 Days of Education	171 Days of Education	29 Days Absent	38 Days Absent	47 Days Absent	76 Days Absent	95 Days Absent
		161 Days of Education	152 Days of Education	143 Days of Education	114 Days of Education	95 Days of Education	
100%	95%	90%	85%	80%	75%	60%	50%
Excellent for best chance of success	Attendance to be monitored	PERSISTENT ABSENCE with potential to impact on progress due to gaps in learning and knowledge, potential impact on friendships and feeling settled in school				SEVERE ABSENCE	

It is important that we work in partnership with pupils and parents to improve attendance, helping parents to access services of their own accord and/or a voluntary whole family plan to tackle barriers to attendance and seek to provide support to remove these barriers (DfE, 2024).

Pupils with medical conditions or special educational needs and disabilities

The attendance of each child should be considered on a case-by-case basis to recognise the barriers that are causing their absences. We understand that some pupils face greater barriers to attendance than their peers. These can include pupils who suffer from long term medical conditions or who have special educational needs and disabilities. Their right to an education is the same as any other pupil and therefore the attendance ambition for these pupils should be the same as they are for any other pupil. That said, in working with their parents to improve attendance, schools should be mindful of the barriers these pupils face and put additional support in place where necessary to help them access their full-time education. More information on the types of support that can be offered for pupils with medical conditions or special educational needs, this can be accessed through the DfE guidance 'Working Together to Improve School Attendance'.

In all cases, schools should be sensitive to the needs of their pupils and talk to them to understand how they feel and what they think would help improve their attendance to develop individual approaches that meet an individual pupil's specific needs. If a school requires more support in dealing with the attendance of pupils with medical needs or special educational needs and disabilities, they should contact slc@oldham.gov.uk

Reduced timetables

All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances, where it is in a pupil's best interests, there may be a need for a temporary part-time timetable to meet their individual needs. For example, where a medical condition prevents a pupil from attending full-time education and a part-time timetable is considered as part of a re-integration package. A reduced timetable should not be used to manage a pupil's behaviour.

In the rare instances that any school are considering using a reduced timetable, they should contact the inclusion team to ensure that <https://www.oldham.gov.uk/LessThanFTEd> or sais@oldham.gov.uk

Interventions

Working Together to Improve School Attendance outlines the expectations of schools to proactively manage and improve attendance across their school community. The guidance recognises that the most effective schools consistently promote the benefits of good attendance at school, set high expectations for every pupil, communicate those expectations clearly and consistently to pupils and parents (appendix 3). These schools also systematically analyse their data to identify patterns to target their improvement efforts and work effectively with the local authority and other local partners to overcome barriers to attendance. They also recognise that attendance cannot be seen in isolation and that the foundation to good attendance is a calm, orderly, safe and supportive environment in which all pupils want to attend and can learn and thrive. However, we know that to successfully treat the root causes of absence and remove barriers to attendance, at home, in school or more requires schools and local partners to work collaboratively with, not against families. Therefore, all partners should work together to:

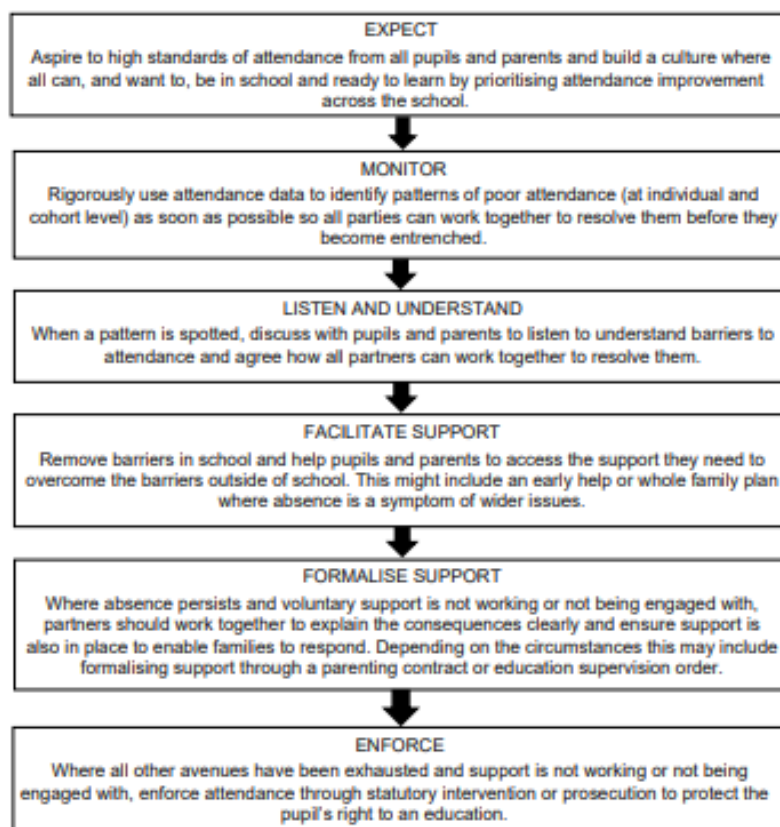


Table taken from 'Working Together to Improve School Attendance' (2024)

All schools should adopt a universal whole school approach (school, parent, child, and community) to attendance:

- Ensuring that internal policies and processes are applied to promote good attendance and/or challenge where concerns arise.
- Scrutiny of attendance certificate and attendance patterns, use of school attendance policy, liaison with the Inclusion Team Attendance officer and evidence of 'formal conversations,' such as use of Attendance Contract, Attendance Meetings, any prosecutions via Penalty Notices. Has the Fast Track School Attendance Process been followed and if evidence of outcome.
- Evidence of work undertaken to address any in school barriers with pupils and parents (DfE, 2024).
- Evidence of support offered and partnership working where barriers are identified outside of school, evidence of seeking to engage parents and work collaboratively via the graduated response to evidence the support that school have offered.
- Share outcome of Targeted Support Meetings in terms of plans, interventions and outcomes for the child, has any impact been made?
- Raise with attendance officer for joint conversation around the evidence of Educational Neglect.
- Has the school signposted the child and family to any other services and if so what was the outcome?
- Consider use of the Family Help Tool to gather an understanding and assessment of the barriers to school attendance, in school and out of school barriers.

- Considered and offered the use of Difficulties Attending School toolkit, including the ATTEND framework and/ or Emotional Wellbeing Cards to gather child and parent voice and views.
- Has the School sought any support from outside agencies including Early Help, SEND and Inclusion HUB, school nursing, QEST, EP.
- Working Together to Improve School attendance highlights 'Intensify support through statutory children's social care involvement where there are safeguarding concerns especially where absence become severe (below 50% attendance).

When attendance starts to become a concern, the school are expected to support the child, young person and family. In the first instance, all schools are expected to:

- Support pupils and parents by working together to address any in-school barriers to attendance.
- Where barriers are outside of the school's control, all partners should work together to support pupils and parents to access any support they may need voluntarily. As a minimum, this should include meeting with pupils and parents at risk of persistent or severe absence to understand barriers to being in school and agreeing actions or interventions to address them. This may include referrals to services and organisations that can provide support. These actions should be regularly discussed and reviewed together with pupils and families.

Where absence intensifies, so should the support provided, which will require the school to work in tandem with the local authority and other relevant partners. The DfE guidance outlines that any intervention put in place to support a family should consider the needs and barriers affecting the individual pupil. If the needs are wider and a whole family response is more appropriate, this is likely to include a voluntary [Early Help assessment](#).

Schools and settings that are finding parents engagement in support is challenging, they should hold more formal conversations with the parents (and pupil where they are old enough to understand). These meetings should clearly explain the consequences of persistent and severe absence to the pupil and family and the potential need for legal intervention in future but should also be an opportunity to continue to listen to and understand the barriers to attendance and explain the help that is available to avoid those consequences.

Where voluntary support has not been effective and/or has not been engaged with all schools should work with the local authority to put formal support in place in the form of an attendance contract (appendix 1) this is an agreement between the school and parents that outlines everyone's responsibilities to help improve the pupil's attendance. Alternatively, schools can apply for an education supervision order or contact the local authority about the statutory pathways that are available and the other types of support that are available (appendix 2).

Statutory Pathways

- **Education Penalty Notices (Administered by Local Authority)**

These are used as an early intervention where there is irregular attendance, unauthorised absence and a reasonable expectation that this may change; discharges the parent's liability for conviction of an offence by paying under the Education (Penalty Notices) (England) Regulation 2007.

- **Prosecution – Absolute Offence (Magistrates Court)**

Prosecution of a parent, under Section 444(1) of the Education Act 1996, for irregular attendance of child with unauthorised absence; this is a strict liability offence with limited defences.

- **Prosecution – Aggravated Offence (Magistrates Court)**

Prosecution of a parent, under Section 444(1A) of the Education Act 1996, for irregular attendance of child with unauthorised absence; parent knows about the irregular attendance and fails without reasonable justification to change this; potential of custodial sentence.

- **School Attendance Order (Magistrates Court if not resolved)**

Requires parent(S), under Education Act 1997 to register a child of compulsory school age at a named school when not receiving a suitable education.

- **Education Supervision Order (Family Court)**

12-month Order under Section 36 of the Children Act 1989 on the grounds that the child is not being suitably educated; Supervising Officer to, 'assist, advise and befriend'

Educational Neglect

The Partnership are committed to integrated and multi-agency working at all levels. The levels of need shown within Oldham's Continuum of Need model demonstrates how we will respond to the requirements of children and families across all levels of need and risk. Combined with safeguarding/child protection concerns, ongoing persistent absence is included in Oldham's [Continuum of Need](#).

Where attendance concerns remain multi-agency (TAF) / targeted support may be considered following the completion of the Family Help Tool. An [Early Help Assessment](#) could be offered to access more intensive support across a range of partners to overcome the barriers to attendance. Combined with safeguarding/child protection concerns, Educational Neglect can be referred to Children's Social Care intervention as outlined in the [Continuum of Need](#).

Educational Neglect of a child, which significantly impacts their welfare and/or educational outcomes (less than 75% attendance over 3 terms), is likely to result in the serious impairment of the child's health; well-being, development and/or life chances. This may be exacerbated by poor routines and boundaries or a lack of parental engagement. Schools should consider all early interventions (single agency) options including, school nursing, Inclusion support and working with parents to develop a whole family plan.

However, it should be considered that an overall total percentage of attendance does not provide enough detail to indicate Educational Neglect alone. Absence can relate to a range of factors some of which may indicate less concern than others. It is important to understand reasons where overall attendance appears to be of concern. Some pupils face greater barriers to attendance than their peers. These can include pupils who suffer from long term medical conditions or who have special educational needs and disabilities. Thresholds must not replace Individual Assessment (which is paramount in all cases) but support professional judgements and multi-agency understanding.

The threshold for 'persistent failure' requires the following to be met over a sustained period:

- Parent(s) have persistently not consented to, or have failed to engage with, support services and interventions provided and offered by school, which may include Early Help

- Parent(s) have persistently not consented to, or engaged with, specialist support services identified to meet the child’s needs and remove barriers to attendance. For example, school requesting consent to seeking advice or support from outside agencies including CAMHS, Educational Psychologist or Paediatrician.
- Parent(s) failing to attend most school and/or LA meetings and/or engage with the support offered.
- Parent(s) unable to provide substantiated reasons for most absences from school;
- Or, where Education is provided by parents otherwise than at school through Elective Home Education, a suitable education is not being provided.
- Child is not on roll at a school and is not in receipt of any education (i.e. they are considered to be a “child missing from education.” Parent/s have not sought to secure a school place.

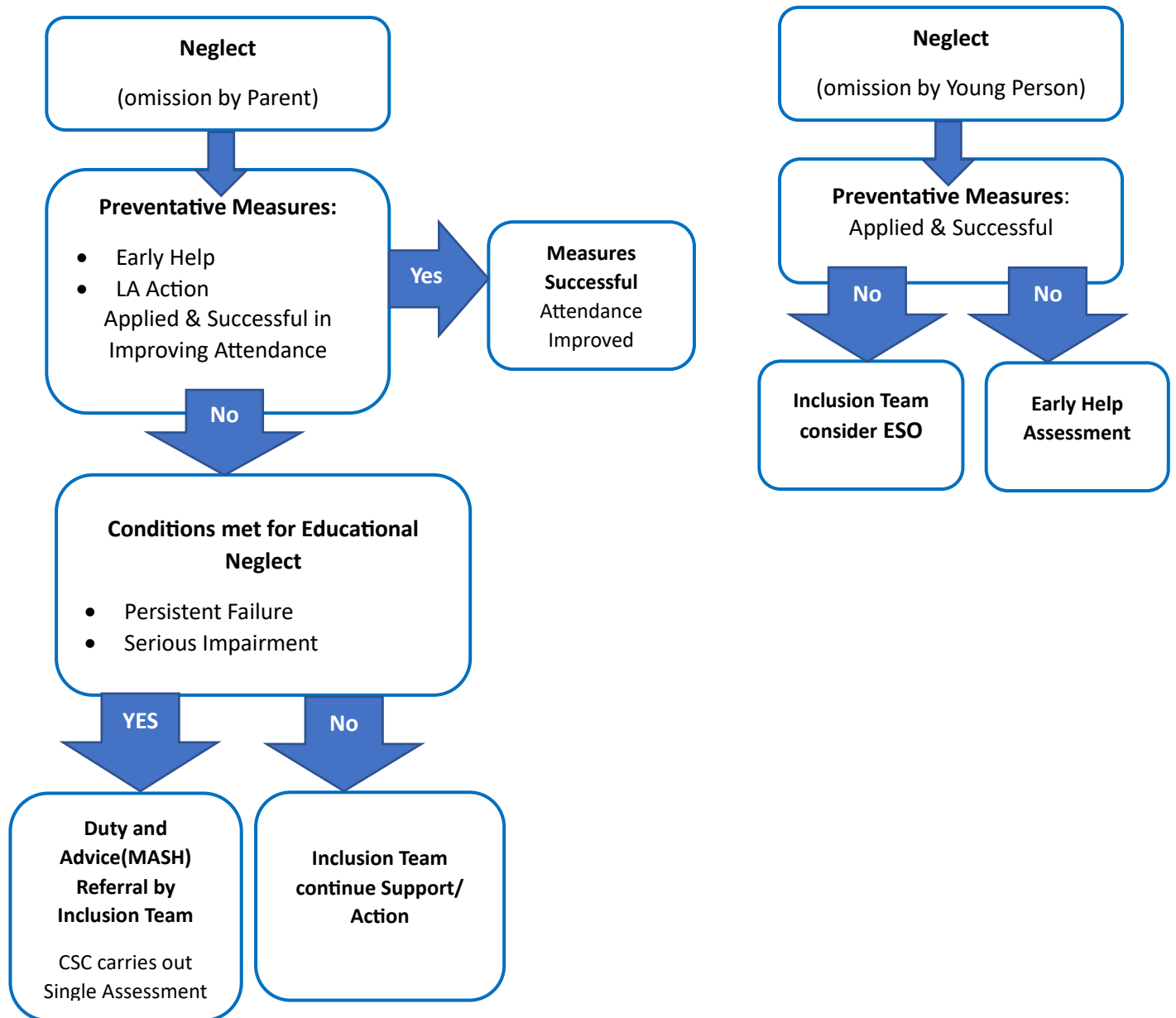
Educational Threshold for ‘serious impairment of development’:

- Primary aged children where school attendance is 75% or less for a sustained period, as this halves the possibility of achieving Level 4, the recognised average level for a child at the end of KS2 (2018/19 national data).
- Secondary aged young people where school attendance is 75% or less for a sustained period, as this means the young person is five times less likely to achieve 5 GCSEs including English and Mathematics, the recognised average level for a young person at the end of KS4 (2018/19 national data).
- Where children are severely absent (50% attendance or less).
- Where there has been a lack of parental engagement in the support offered (single agency or Multi-Agency) to address any barriers to school attendance.

By following the interventions and support outlined in the DfE guidance, Working Together to Improve School Attendance, a school will have the necessary evidence to establish if there is educational neglect. The following flowchart on page 9, will help schools assess whether there is ‘persistent failure’ from the parent to ensure that they ‘meet a child’s basic physical and/or psychological needs’ (Working Together to Safeguard Children, 2023), especially as the definition of neglect has been updated to now explicitly include ‘a parent or carer failing to provide suitable education’

Is this Educational Neglect?

Use the flowchart to assess whether there is 'persistent failure' from the parent to ensure that they 'meet a child's basic physical and/or psychological needs' (Working Together to Safeguard Children, 2023)



Working Together to Improve School Attendance - Multi-agency Working

Educational Neglect is everyone's responsibility, so all partners and agencies should work together to address Educational Neglect. In accepting that "school attendance is everyone's business" (Education white paper), The Local Authority intention is, not to increase social care referrals, but to agree a pathway that creates a shared responsibility for responding to 'educational neglect'

All Practitioners should:

- Understand what constitutes good attendance and how poor attendance can impact on a child's learning and development

School Attendance – boundaries and description		
Boundary	Description	Days missed
96-100%	As expected	Up to 10 days absent
91 – 95%	At risk of Persistent Absence	Up to 19 days absent
80-90%	Persistent Absence (PA)	Up to 38 days absent
51-79%	At risk of Severe Absence	Up to 76 days absent
<=50%	Severe Absence (SA)	95 days or more absent

**** More information is provided in the Education Neglect Guidance document for schools**

- Promote good school attendance for children and young people through collaborative working
- Support the early identification of in school and out of school barriers and ensure that support is offered to the child and the parent/s at the earliest opportunity
- Record the work undertaken using the Graduated Response and liaise any involved professionals to ensure effective collaborative working to support the child and family and 'adjust or change the approach' (DfE, 2024).
- Where challenges persist consider the significance of educational neglect if they become aware of persistent and/or severe absence from school.
- Demonstrate Professional curiosity in relation to children not in school including those who are Electively home educated / not on roll.
- Challenge parents and carers as to why children are not in / attending school.
- Consider how they and others might resolve the absence from school. Consider use of resources including the Difficulties Attending School toolkit to gain the child and parent voice. Seek advice from the child's school, the School Attendance Support Service or the SCSP if they are concerned about a child's attendance.

For more information, please refer to: [Working_together_to_improve_school_attendance_-_August_2024.pdf](#)

Key Contacts

Inclusion Team: sais@oldham.gov.uk 0161 770 6620

Children Missing in Education (CME): 0161 770 8839

Elective Home Education: 0161 770 1806 or 07792 172 200

Safeguarding Advisor for Education: 0161 770 8868 or 07753715566

Virtual School: csw@oldham.gov.uk

More information about the Attendance Support Service can be found:

[Welcome to the Attendance Support Service](#) | [Oldham Connect](#) | [Support Services](#)

Early Help Partnership Officers:

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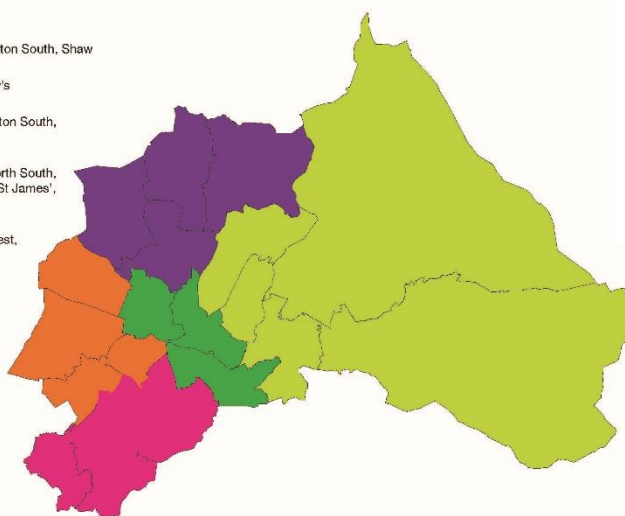
Kymerli Spratt

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Districts

- North District**
Crompton, Royton North, Royton South, Shaw
- Central District**
Alexandra, Coldhurst, St Mary's
- West District**
Chadderton Central, Chadderton South,
Chadderton North, Werneth
- East District**
Saddleworth North, Saddleworth South,
Saddleworth West and Lees, St James',
Waterhead
- South District**
Fallsouth East, Fallsouth West,
Hollinwood, Medlock Vale



Appendix 1: Attendance Contract

Attendance Contract – An agreement between the school and parents

Attendance Contract

Date

Child's name:		Child's DOB:	
School/NCY:			
Parents' name(s):		Parents' DOB(s):	
Address(es):			
Tel:			

Senior staff member with overall responsibility:
Member of staff responsible day-to-day:
Contact number for the school to inform if the child is too unwell to attend:
Linked Inclusion Officer:

It is important that we work together to improve your child's school attendance to give them the opportunity to attain and progress. We are going to work together to ensure the above-named child improves their attendance at school with immediate effect.

Your child's current attendance is:

This means they have missed sessions/days so far this year.

So far, of these absences have been authorised by us.

So far, of these absences have been unauthorised by us.

Your child has been late to school on occasions.

This equates to them missing minutes of their learning.

The reasons you have given for these absences have been:

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We have listened to your child and discussed with them the reasons for their absence. They have shared with us that:

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The specific targets of our plan. What we aim to do by (date):

These could be outlined in a My Plan and attached to document

To achieve these targets, we will:

These could be included explicitly in a My Plan and attached to the document

Parents agree to:

[Empty box for signature]

School agrees to:

[Empty box for school agreement]

Child agrees to:

[Empty box for child agreement]

Reviews



This contract will be reviewed regularly.

If the contract is being adhered to, the school will ensure the child receives recognition of the improvement and will continue to monitor and support.

If the contract is not being adhered to, the school will notify the Local Authority, where next steps will be considered, including progression to attendance legal processes.

Agreeing to the contract:

Consent by parent(s):

I/we have agreed to this Attendance Contract and will:

(a) work with the school (and council) as detailed above, to improve my/our child's school attendance, and

(b) carry out what we have promised to do.

I/we also agree to information being shared with other professionals and agencies as required to help us.

I/we understand that if my child has any further unauthorised absences from school a Notice to Improve, Penalty Notice or prosecution may follow without further warning. This agreement may be given as part of the evidence.

Signed (Parent/s):

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Signed by the Child (age appropriate)

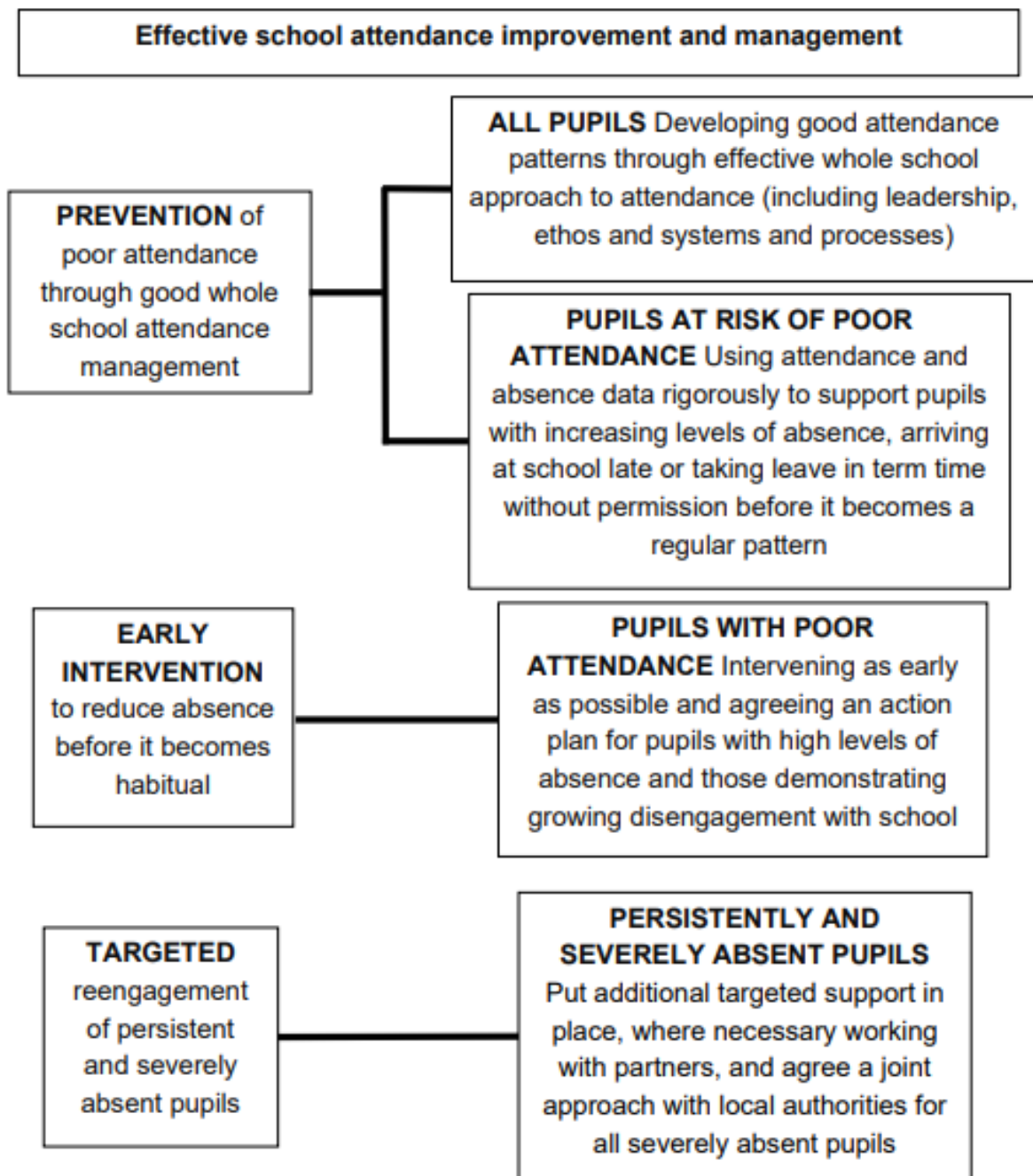
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Signed (on behalf of the school/governing body/local authority)

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Appendix 2:



Flowchart taken from 'Working Together to Improve School Attendance' (2024)

Appendix 3: Visual Representation of the Impact of Attendance

