

Consultation from the Department for Education exploring school attendance and improving consistency of support: Response from the National Deaf Children's Society



Closing date: 28th February 2022

[School attendance: Improving consistency of support - Department for Education - Citizen Space](#)

Questions on proposal 1:

1. Do you agree that all schools should be required to publish an attendance policy?

Strongly agree/ Somewhat agree/ **Neither agree nor disagree**/ Somewhat disagree/ Strongly disagree

2. Are the proposed principles to be covered in school policies (outlined on page 8) sufficient to improve the consistency of attendance support that pupils and parents receive?

Entirely sufficient/ Somewhat sufficient/ Unsure/ Somewhat insufficient/ **Entirely insufficient**

We believe the principles are insufficient, because there is no explicit acknowledgement of the need for schools to take into account instances where a child's attendance may be impacted by the presence of a special educational need and/or disability.

In relation to deaf children, attendance may be impacted by:

- the need to attend audiology appointments for checks on hearing
- bullying arising from the child's SEND
- attendance at a SEND Tribunal

The principles are also silent on the need for schools to work with the families and other external bodies to tackle the underlying causes which might lead to issues around absence. This might include liaising with audiology departments on scheduling of any necessary medical appointments.

We would also like the principles to instruct schools to ensure their attendance policies acknowledge and take reasonable account of a child's SEND, including ensuring that school policies do not disadvantage or discriminate against children with SEND in any way.

One specific example of where discrimination may arise relates to the use of reward schemes for 100% attendance. We are aware of examples of where deaf children have been 'punished' for not achieving 100% attendance, even where all absences were authorised (e.g. to attend medical appointments). This is illustrated by the following case study:

www.ndcs.org.uk/blog/why-kids-with-disabilities-should-not-miss-out-on-school-attendance-rewards/

We believe that the use of reward schemes that don't take into authorised absences relating to a child's SEND could be seen as discriminatory under the Equality Act. We would like the Department for Education to ensure this is widely understood by schools.

3. Do you agree that minimum attendance management expectations should be set for academy trusts and governing bodies of maintained schools?

Strongly agree/ Somewhat agree/ Neither agree nor disagree/ Somewhat disagree/ Strongly disagree

No Views.

4. Are the proposed expectations for academy trusts and governing bodies of maintained schools (outlined on pages 9 and 10) sufficient to improve the consistency of attendance support and challenge schools receive?

Entirely sufficient/ Somewhat sufficient/ Unsure/ Somewhat insufficient/ Entirely insufficient

No Views.

Questions on proposal 2:

5. Do you agree that a minimum set of components for LA attendance services should be set?

Strongly agree/ **Somewhat agree/ Neither agree nor disagree**/ Somewhat disagree/ Strongly disagree

6. Are the proposed components for LA attendance services (outlined on pages 13 and 14) sufficient to improve the consistency of attendance support which pupils, parents and schools receive?

Entirely sufficient/ Somewhat sufficient/ Unsure/ Somewhat insufficient/ **Entirely insufficient**

We believe this is insufficient because there is no explicit acknowledgement of attendance issues linked to SEND nor do the components refer to the need for LA attendance services to liaise with relevant wider stakeholders, such as LA specialist SEND services where a child has SEND. In relation to deaf children, a Teacher of the Deaf may be able to provide advice and context around a child's attendance – for example, whether non-attendance may be linked to feelings of isolation in the deaf child.

LA attendance services also have a role to play in ensuring that school policies are appropriate and do not disadvantage deaf children, and spreading best practice on, for example, reward schemes.

They could also liaise with other bodies to minimise the need for authorised absences. For example, they could work with audiology departments to ensure that medical appointments can take place outside of school hours.

Questions on proposal 3:

7. Do you agree that a national framework for the use of attendance legal intervention, including a new regulatory framework for issuing fixed penalty notices for absence should be set?

Strongly agree/ Somewhat agree/ Neither agree nor disagree/ Somewhat disagree/ Strongly disagree

No Views.

8. Are the proposed areas for inclusion in the new regulatory framework for fixed penalty notices (outlined on page 18) sufficient to improve the consistency of them being issued?

Entirely sufficient/ Somewhat sufficient/ Unsure/ Somewhat insufficient/ Entirely insufficient

No Views.

Questions on proposal 4:

9. Do you agree there should be consistency in the rules around granting leaves of absence across all state funded schools?

Strongly agree/ Somewhat agree/ **Neither agree nor disagree**/ Somewhat disagree/ Strongly disagree

No views.

Questions on the equalities impact:

10. What do you consider to be the equalities impacts of the proposals on protected characteristics (mentioned above)?

We believe that the proposals could have a negative impact on disabled children unless action is taken to more explicitly acknowledge the implications that a child's SEND can have on attendance, and to ensure this is reflected in school policies, the work of LA attendance teams, etc.

In relation to deaf children, attendance may be impacted by:

- the need to attend audiology appointments for checks on hearing
- bullying arising from the child's SEND
- attendance at a SEND Tribunal

As set out earlier, one specific example of where discrimination under the Equality Act may arise relates to the use of reward schemes for 100% attendance. We are aware of examples of where deaf children have been 'punished' for not achieving 100% attendance, even where all absences were authorised (e.g. to attend medical appointments). This is illustrated by the following case study:

www.ndcs.org.uk/blog/why-kids-with-disabilities-should-not-miss-out-on-school-attendance-rewards/

The Department can help to prevent this disadvantage arising by taking steps to ensure that schools understand the implications of SEND on attendance and key considerations.