

How should school record EBSA absences?

Schools must take an attendance register at the start of the first session and again after lunch.

A legal duty is placed upon schools to ensure that registers are accurately completed. They form part of the witness statement presented to the court in the case of a prosecution.

Children suffering from EBSA should have their absences authorised due to illness: **The child is ill because the physical and mental symptoms of Anxiety are making them unwell, preventing them from attending school.** Therefore, a child experiencing EBSA requires this to be reflected accurately in their attendance records as it is not a deliberate absence/truancy.

Code I: Illness (not medical or dental appointments)

“Schools should advise parents to notify them on the first day the child is unable to attend due to illness. **Schools must record absences as authorised where pupils cannot attend due to illness (both physical and mental health related).** In the majority of cases a parent’s notification that their child is ill can be accepted without question or concern. **Schools should not routinely request that parents provide medical evidence to support illness.** Schools are advised not to request medical evidence unnecessarily as it places additional pressure on health professionals, their staff and their appointments system particularly if the illness is one that does not require treatment by a health professional. Only where the school has a genuine and reasonable doubt about the authenticity of the illness should medical evidence be requested to support the absence.” [219-220. Working Together to Improve School Attendance guidance 2022](#)

How do I ask the school to record EBSA absences correctly?

If you haven’t already, you should request a copy of your child’s attendance record so that you can see what codes have been used. You can write to the Head Teacher requesting that they authorise use of the correct attendance code for absences due to EBSA. [Not Fine in School \(NFIS\) has a template letter you can use for this here.](#) Make sure you date it and keep a copy of your letter as evidence. You can request a response in writing.

What are my options if I don’t have any medical evidence and/or the school doubts the authenticity of my child’s illness?

1. Compile and submit copies of your own evidence records to the school

According to case law, it is not necessary for parents to provide medical evidence for every absence a child has from school, if there is other relevant evidence which demonstrates that the child has a long-term health condition likely to result in regular absences. (*East Sussex County Council v Sussex Central Area Justices* [2019] EWHC 164 (Admin)) Make sure you describe symptoms, the impact, what you did to try and resolve etc. (see more details on the page “How can parents help their child experiencing EBSA?”)

2. Making a formal complaint to the school

If school continues to doubt your evidence and efforts, and continues to pursue unhelpful or inappropriate strategies, such as physically forcing attendance, refusing to send work home, or lack of consistent adjustments, you could consider making a formal complaint to the school via their formal complaints procedure. This can be found under the policies on their website.

3. Requesting an EHC needs assessment

You could also consider making a parental request for an Education, Health, and Social Care Needs Assessment. Find out more about what this is and how to apply via our [EHCP requests page](#) and the [resources](#) on our website.

What if I am being threatened with an Attendance Order/prosecution?

If you are being threatened with an Attendance Order because of your child’s absences from school, you should write to the relevant person or department (which is likely to be the Educational Welfare Service) to explain that your child has special educational needs and is experiencing mental health difficulties. Suggest to them that serving an Attendance Order in these circumstances would be premature and inappropriate as it is not useful to the child. What is needed is co-ordinated action by support agencies to identify and make provision for all your child’s needs. [Not Fine in School \(NFIS\) has a template letter for this here \(Section 4\)](#) Hopefully, once everyone involved realises that your child’s non-attendance is to do with their anxiety and SEN rather than deliberate truancy, the threat will be withdrawn. If not, consider making a formal complaint against the LA.