

1. Introduction

- 1.1. Square Peg¹ is a Community Interest Company (est. 2019) dedicated to understanding and addressing the challenges of school attendance through the lens of lived experience.
- 1.2. We work in partnership with Not Fine In School CIC² (est. 2018) who support the same families via a membership group of 69k parents and carers.
- 1.3. We focus on innovation, collaboration and co-operation between all stakeholders to find effective, inclusive solutions to the attendance crisis.
- 1.4. Recent data³ highlights the urgency of our work:

Persistent Absence: 21% of all school-age children are persistently absent, missing 10% of the school year—a figure that has increased by 83% since 2019.

Severe Absence: 2% of all school-age children are severely absent, missing 50% or more of the school year, marking a 53% rise since 2019.

Mental Health: 20.3% of 8 to 16-year-olds and 23.3% of 17 to 19-year-olds have a clinically diagnosable mental health need, equating to five children in every class.⁴

Vulnerable Groups: Persistent absence rates are notably higher among children with an Education, Health and Care Plan (36%), those receiving SEN Support (31%), children eligible for Free School Meals (35%), and Young Carers (46%).

- 1.5. Square Peg was called to give evidence to the Education Select Committee in 2023 for the Inquiry on Attendance for Vulnerable Learners and has submitted publications to Government consultations.⁵
- 1.6. During the passage of the Schools Bill in 2022, **we successfully lobbied for the Support First approach to school attendance**, which moved away from punitive attendance enforcement measures towards an early intervention support-focussed model.⁶

¹ <https://www.teamsquarepeg.co.uk/>

² <https://notfineinschool.co.uk/>

³ <https://www.the-difference.com/who-is-losing-learning>

⁴ NHS Digital (2023) [Mental Health of Children and Young People in England, 2023 - wave 4 follow up to the 2017 survey](#)

⁵ <https://www.teamsquarepeg.co.uk/publications-1>

⁶ <https://www.teamsquarepeg.co.uk/changemaking>

- 1.7. Our Executive Director is Parliamentary Vice Co-Chair for the Special Education Consortium⁷ (convened by the Council for Disabled Children⁸) and we support policy development through coalition partnership consortia such as the Children & Young People's Mental Health Coalition⁹; the Schools Wellbeing Partnership¹⁰; the Disabled Children's Partnership¹¹; the Attachment Research Community¹².
- 1.8. We are currently engaged with IPPR The Difference as a member of the Who is Losing Learning Solutions Council¹³ and The Centre for Young Lives Ambitious About Inclusion Advisory Group¹⁴.

2. Aims of the Bill

- 2.1. It is noted and welcome that this child-centred Government is working to improve the lives of children and their families.
- 2.2. While the Children's Wellbeing and Schools Bill aims to improve the wellbeing and safeguarding of children, some potential unintended consequences need consideration:
 - 2.2.1. Increased workload for social workers and schools: The Bill introduces new requirements for information sharing, assessments, and support provision. This could increase the workload for already stretched social workers and school staff, potentially leading to delays and reduced effectiveness.
 - 2.2.2. Overburdening families: The focus on early intervention and family involvement could lead to increased scrutiny and pressure on families, particularly those already facing challenges. This could create anxiety and potentially discourage families from seeking help.
 - 2.2.3. Reduced flexibility for home educators & flexi-schooling: The Bill proposes stricter regulations for home education, which could reduce flexibility and autonomy for families who choose this educational approach.¹⁵ This could lead to unnecessary conflict and potentially push some families underground.
 - 2.2.4. Increased bureaucracy and costs: The new regulations and requirements could lead to increased bureaucracy and administrative costs for local authorities and schools, potentially diverting resources from frontline services.

⁷ <https://councilfordisabledchildren.org.uk/about-us/who-we-are>

⁸ <https://councilfordisabledchildren.org.uk/>

⁹ <https://cypmhc.org.uk/>

¹⁰ <https://schoolswellbeing.org.uk/>

¹¹ <https://disabledchildrenspartnership.org.uk/>

¹² <https://the-arc.org.uk/>

¹³ <https://www.ippr.org/articles/who-is-losing-learning>

¹⁴

<https://www.centreforyounglives.org.uk/news-centre/centre-for-young-lives-and-mission-44---ambitious-about-inclusio>

[n](#)

¹⁵ <https://educationhub.blog.gov.uk/2024/12/the-childrens-wellbeing-bill-what-parents-need-to-know/>

- 2.2.5. Unintended consequences for children's rights: The increased emphasis on safeguarding and information sharing could potentially infringe on children's rights to privacy and autonomy, particularly for older children and young people.
- 2.2.6. Limited impact on root causes: While the Bill addresses important issues, it may not fully address root causes of vulnerability, such as poverty, inequality, and lack of access to mental health services.
- 2.2.7. Lack of clarity and guidance: Some aspects lack clarity and detailed guidance, which could lead to inconsistent implementation and confusion among practitioners and families.

3. Attendance Orders

- 3.1. Families often feel a mix of negative emotions when issued with School Attendance Order (SAO). Common experiences include¹⁶:

Stress and anxiety: The process can be overwhelming and create significant worry about legal consequences.

Powerlessness: Parents may feel their concerns about the underlying reasons for their child's non-attendance are not being heard or addressed. They may feel the SAO is imposed upon them without proper consideration of their child's individual needs.

Anger and frustration: Parents may feel blamed for their child's non-attendance, leading to resentment towards the school or local authority.

Shame and stigma: Receiving an SAO can be perceived as parental failure, leading to feelings of shame and stigma.

Distrust: The adversarial nature of the process can damage the relationship between the family and the school, leading to broken trust.

- 3.2. Whilst it is vital we must ensure children are safeguarded and protected, it is important to remember many children in serious case reviews are sadly already known to services and the Family Court. In the tragic case of Sara Shariff, there were countless years of missed opportunities by agencies to intervene and keep her safe¹⁷.
- 3.3. Unfortunately, there's no strong evidence to suggest that School Attendance Orders (SAOs) significantly improve school attendance in the long term. Instead, SAOs focus on enforcement, not root causes. If these root causes remain unresolved or without effective, joined-up services, a child will continue to struggle to attend school (eg, if bullying, anxiety, unmet special education needs, chronic ill health, living in temporary

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https://www.researchgate.net/publication/365099014_An_Exploration_of_the_Experiences_of_Parents_Who_Seek_to_Resolve_School_Attendance_Problems_and_Barriers

¹⁷ <https://www.theguardian.com/uk-news/2024/dec/11/sara-sharif-death-what-were-the-missed-chances>

accommodation, caring responsibilities, the impact of poverty or mental ill health¹⁸ etc.).

- 3.4. For children under a child protection order, Children's Services must respond early and effectively; the simple truth is sometimes they do not. Research has shown services swamped with referrals without finding risk of serious harm, whilst the children most at risk continue to be missed.¹⁹
- 3.5. Prof Andy Bilson's research²⁰ has shown:
 - 3.5.1. **Rising investigations & intervention**
 - 3.5.1.1. The number of child protection investigations under Section 47 increased by over 50% between 2011-12 and 2016-17.
 - 3.5.1.2. One in 16 children had been investigated for abuse before the age of five.
 - 3.5.2. **Lack of Family Support and Early Intervention**
 - 3.5.2.1. There has been a 33% increase in children classified as "in need," meaning families are struggling but not necessarily facing abuse.
 - 3.5.2.2. Instead of receiving help, many families are being investigated and separated, often due to the lack of early intervention services.
 - 3.5.3. **Policy and Financial Pressures Impacting Families**
 - 3.5.3.1. Austerity has led to fewer support services for families while formal proceedings.
 - 3.5.3.2. Families in deprived areas are disproportionately affected, facing more investigations and child removals without corresponding improvements in child welfare outcomes.
- 3.6. Outcomes for care experienced children and young people are consistently poor, highlighting systemic failures to deliver equitable, early, effective measures.
- 3.7. Research on the long-term impact of SAOs is scarce. A study by the Department for Education found that only 40% of children issued with an SAO in 2016-17 showed an immediate improvement in attendance. This doesn't provide insight into whether the improvement was sustained over time.²¹
- 3.8. Punitive measures, including SAOs, can disproportionately impact multiply disadvantaged families. SAOs foster an adversarial relationship between families and schools, leading to distrust and hindering communication.

¹⁸ https://www.centreformentalhealth.org.uk/wp-content/uploads/2024/04/CentreforMH_NotInSchool.pdf

¹⁹ <https://bilson.org.uk/home/born-into-care/>

²⁰ https://bilson.org.uk/wp_new/wp-content/uploads/2018/07/Adoption-and-SG-prepublication.pdf

²¹

https://www.researchgate.net/publication/365099014_An_Exploration_of_the_Experiences_of_Parents_Who_Seek_to_Resolve_School_Attendance_Problems_and_Barriers

- 3.9. If families feel unsupported and blamed, they become disengaged from the education system altogether, with non-elective home education numbers rising, alongside children whose families are advised to de-register by some schools or face consequences such as permanent exclusion, prosecution for non-attendance or referral for child protection investigation.²²
- 3.10. SAOs and punitive sanctions escalate stress and anxiety for families, damage relationships with schools, and drive families away. A more effective approach involves:
- 3.10.1. **Early intervention:** Identifying and addressing attendance difficulties early, before they escalate.
 - 3.10.2. **Collaborative approach:** Working in partnership with families to understand the reasons for non-attendance and develop solutions together.
 - 3.10.3. **Holistic support:** Providing a range of support services to address the child's individual needs, such as counselling, mentoring, or special educational provision.
 - 3.10.4. **Joined-up effective allied services:** Partnership work across services is essential. At all times, this must be focussed on supporting families, preventing harm through early intervention and skilled multi-disciplinary, well-resourced teams.

SAOs are a blunt instrument and should be used with caution.

- 3.11. Families report SAOs can be used coercively. This can manifest in several ways:
- 3.11.1. Threat of Punishment: SAOs are often presented as a legal threat, with the possibility of fines or prosecution looming. This creates a coercive environment where parents feel pressured to comply, even if they have legitimate concerns about their child's well-being or the suitability of the school environment.
 - 3.11.2. Lack of Collaboration: In some cases, SAOs are issued without adequate attempts to understand the root causes of non-attendance or to collaborate with families on solutions. This can leave parents feeling powerless and coerced into accepting a course of action that may not be in their child's best interests.
 - 3.11.3. Disregard for Underlying Issues: SAOs may be used to compel attendance even when there are underlying issues, such as bullying, anxiety, or unmet special educational needs, that are contributing to the child's non-attendance. This can be particularly coercive for vulnerable families who may feel they have no choice but to comply, even if it means putting their child at risk.

²² DfE Attendance Consultation Feb 2022 <https://www.teamsquarepeg.co.uk/publications-1>

- 3.11.4. Pressure on Vulnerable Families: Families facing challenges such as poverty, social isolation, or mental health issues may be particularly vulnerable to coercion. They may feel less able to challenge the system or advocate for their child's needs, leading to compliance with SAOs even when they are not appropriate.
 - 3.11.5. Lack of Transparency: The process for issuing SAOs can be opaque and confusing for families, leaving them feeling unsure of their rights or options. This lack of transparency leaves families feeling pressured to comply without fully understanding the implications.
 - 3.11.6. Focus on Enforcement: The emphasis on enforcement and punishment within the SAO system creates a coercive atmosphere, where families must comply or face legal consequences. This can overshadow the importance of supporting families to find solutions that work for their child.
- 3.12. It is important to recognize the potential for coercion and ensure SAOs are used judiciously and with respect for the rights and needs of children and families. Where risk of serious harm is evidenced, child protection interventions must take precedent.
- 3.13. While there isn't extensive research directly linking attendance enforcement to parents removing their children from school rolls, there's evidence suggesting a correlation and potential reasons for this trend:
- 3.13.1. **Increase in Non-elective Home Education** Studies show a rise in home education rates coinciding with stricter attendance policies and enforcement.²³
 - 3.13.2. **Dissatisfaction with School** Parents may remove their child from the school roll due to dissatisfaction with the school's handling of attendance issues, particularly if they feel unsupported or unfairly targeted.
 - 3.13.3. **Fear of Legal Consequences** The threat of fines, court appearances, and even potential social services involvement can create fear and anxiety for parents, leading some to remove their children from school to avoid these consequences. This can be particularly true for vulnerable families who may feel less equipped to navigate the legal system or advocate for their child's needs.
 - 3.13.4. **Lack of Trust in the System** Parents who have had negative experiences with attendance enforcement or feel that their concerns are not being addressed lose trust in the school system.

4. Children Not In School Register

4.1. The impact of being on a risk register can be complex and vary depending on the specific circumstances, the nature of the register, and how it is used. Many of our families have been on various registers. The Government should carefully consider how it might best work to minimise unintended consequences.

4.2. Potential Positive Impacts

4.2.1. Early identification and support This can be beneficial for families facing complex challenges.

4.2.2. Proactive Intervention A CNIS register could deliver proactive interdisciplinary intervention from services, helping to prevent escalation, ensuring that children and families receive the appropriate support.

4.2.3. Access to Resources The CNIS register could facilitate fast access to additional resources and support, such as specialised services.

4.3. Potential Negative Impacts

4.3.1. Stigma and Labelling Being on a risk register can create a sense of stigma and labelling for families, potentially leading to shame, isolation, and discrimination.

4.3.2. Reduced Autonomy Families may feel that their autonomy and decision-making power are diminished when they are on a risk register, as they might experience increased scrutiny and intervention from external agencies.

4.3.3. Increased Stress and Anxiety The process of being assessed and placed on a risk register can be stressful and anxiety-provoking for families, particularly if they feel they are not being fully understood or supported.

4.3.4. Self-Fulfilling Prophecy There is a risk that being on a risk register can create a self-fulfilling prophecy, where families are treated differently or perceived as problematic, potentially leading to further difficulties.

4.3.5. Increased Monitoring & Oversight Unless careful safeguards around children and families' data use and sharing between departments are provided, adverse consequences for vulnerable marginalised families who are displaced, without housing or without sufficient support is a significant concern.

4.3.6. Disproportionate Impact Risk registers can have a disproportionate impact on marginalized communities, who may be more likely to be placed on registers due to systemic biases and inequalities.

- 4.4. It is essential to mitigate potential negative impacts by ensuring that families are treated with respect, dignity, and transparency, that their voices are heard and valued in decision-making processes. **Good practice using the Dynamic Support Register can be seen via the National Key Worker Service.** An excellent example of one such service is the Coventry & Warwickshire MIND Specialist Key Worker Service, which puts the 'dynamic' in the Dynamic Support Register.²⁴

5. Attendance Code of Practice

- 5.1. Square Peg has been joined by the Special Education Consortium and the Disabled Children's Partnership - over 130 organisations including education unions, accredited organisations, charities and voluntary sector groups - to call for an Attendance Code of Practice.
- 5.2. An Attendance Code of Practice will expand on the Bill's provisions, offering practical advice, examples, and best practices for those who need to comply with the law. It will help translate the legal requirements around the Government's existing statutory and non-statutory guidance and legislation to keep children safe, support children with medical conditions, mental health needs and special education needs, alongside duties for children in care and those struggling to access education entitlement or mainstream school.
- 5.3. Given the complexity and intersectionality of school attendance, an amendment to the Bill will make provision for an Attendance Code of Practice, which would include the functions and duties of the CNIS Register. Like the Admissions Code of Practice, the Attendance Code of Practice would be clear in use of 'must' duties to ensure the Support First, needs-led and child-centred approach alongside and with families is delivered.
- 5.4. Harnessing the Opportunity Mission to ensure inter-departmental working and deliver democratic participation during the development of the Code through public consultation and cross-party parliamentary review, an Attendance Code of Practice delivers a vital step towards supporting children's wellbeing and access to education by meeting their needs to help every child succeed and thrive.
- 5.4.1. Mental health school absence code. An important part of the Attendance Code of Practice, will include a review of current practice around the criminalisation of families whose children struggle to attend, access and remain in school, and the use of school registration codes.
- 5.4.2. We are joined by the Children & Young People's Mental Health Coalition, MIND, Place2Be, Adoption UK and the National Counselling and Psychotherapy Service to call for the creation of a

²⁴ <https://cwmind.org.uk/supporting-children-and-young-people/cyp-targeted-interventions/keyworker-service/>

5.5 Proposed New Clause in the Bill after Clause 23

X Attendance Code of Practice

(1) The Secretary of State must issue an attendance code of practice giving guidance about the exercise of their functions in relation to school attendance, including functions under this Part to –

- (a) local authorities in England
- (b) admission authorities in England
- (c) the governing bodies of schools
- (d) the proprietors of Academies
- (e) the management committees of pupil referral units

(2) The Secretary of State may revise the code from time to time

(3) The Secretary of State must publish the current version of the code

(4) The persons listed in subsection (1) must have regard to the code in exercising their functions in relation to school attendance

(5) Those who exercise functions for the purpose of the exercise by those persons of functions in relation to school attendance must also have regard to the code

XX Making and Approval of Code

(1) Where the Secretary of State proposes to issue or revise a code under section X, the Secretary of State must prepare a draft of the code (or revised code).

(2) The Secretary of State must consult such persons as the Secretary of State thinks fit about the draft and must consider any representations made by them.

(3) If the Secretary of State decides to proceed with the draft (in its original form or with modifications), the Secretary of State must lay a copy of the draft before each House of Parliament.

(4) The Secretary of State may not take any further steps in relation to—

- (a) a proposed code unless the draft is approved by a resolution of each House,

or

²⁵ <https://www.teamsquarepeg.co.uk/3asks>

²⁶ Mental Health School Absence Code briefing Feb 2024 <https://www.teamsquarepeg.co.uk/publications-1>

(b) a proposed revised code if, within the 40-day period, either House resolves not to approve the draft.

(5) Subsection (6) applies if—

(a) both Houses resolve to approve the draft, as mentioned in subsection (4)(a),

Or

(b) neither House resolves not to approve the draft, as mentioned in subsection (4)(b).

(6) The Secretary of State must issue the code or revised code in the form of the draft, and it comes into force on such date as the Secretary of State may by order appoint.

(7) Subsection (4) does not prevent a new draft of a proposed code (or proposed revised code) from being laid before Parliament.

(8) In this section "40-day period", in relation to the draft of a proposed revised code, means—

(a) if the draft is laid before one House on a later day than the day on which it is laid before the other, the period of 40 days beginning with the later of the two days,

and

(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House.

(9) For the purposes of subsection (8), no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.