



Not Fine in School

'Pick n Mix' Template Letter

Please select the paragraphs you need and copy & paste them into a Word document and then adapt and personalise them with your own details

Sections:

1. INTRODUCTORY DETAILS

Then choose from one of these first paragraphs depending upon the situation you are writing about:

2. ASKING FOR HELP WHEN ANXIETY or SCHOOL REFUSAL BECOMES AN ISSUE
3. RESPONSE IF YOU ARE ASKED TO DO SOMETHING YOU DO NOT AGREE WITH
4. REPLYING TO A LETTER THREATENING PENALTIES OR PROSECUTION FOR NON-ATTENDANCE

Then choose additional paragraphs as applicable:

5. IF ANY SEND IS ALREADY DIAGNOSED
6. ACTIONS SCHOOL SHOULD BE TAKING
7. IF YOU WANT TO APPLY FOR AN EHCP
8. IF PHYSICAL ILLNESS IS A REASON FOR ABSENCE
9. IF THE SCHOOL REFUSE TO ACCEPT A DIAGNOSIS or EVIDENCE
10. ACCURATE MARKING OF ATTENDANCE REGISTERS (If section 4 has not been used already)
11. **LETTER ENDING** - choose from the standard ending or the ending if the letter is a response to a threat of prosecution

- ✓ *[If emailing, 'cc' any other relevant people - EWO / Head Teacher / Your MP / GP / CAMHS]*
- ✓ *You may need to adapt the wording in places to fit your circumstances*
- ✓ *Blue text indicates places to fill in your own details*
- ✓ *Red text indicates choices to be made*
- ✓ *Read through and make sure the combination of paragraphs makes sense and they are edited with your details*
- ✓ *DELETE any instructions left within the text and make sure any remaining red or blue text is changed to black*

I. INTRODUCTORY DETAILS

Your name

Your address

Date

RE: [Your child's name and school/class details]

Dear.....

2. ASKING FOR HELP WHEN ANXIETY / SCHOOL REFUSAL FIRST BECOMES AN ISSUE

I am/We are writing to request your support in relation to my/our current difficulties with [child's name] who is experiencing increasing levels of anxiety about specific aspects of the school environment. Anxiety is a common emotion however, I am/we are noticing that [child's name] experiences of anxiety are becoming more intense and long-lasting. Therefore, I/we understand it is important to take steps to address the causes of this anxiety before it becomes an even greater problem, with the potential to have an adverse effect on [child's name] health and wellbeing. I am/We are aware that, if not addressed effectively, these problems could also affect [child's name] academic progress, overall engagement with school, and could lead to a gradual or sudden decline in attendance.

[alternative first paragraph if you want to refer to 'school refusal' rather than anxiety...and want to mention mental health]

I am/We are writing to request your support in relation to the current difficulties I am/we are experiencing. Since...(date) [child's name] has been suffering from severe anxiety. While anxiety is a normal, common emotion that subsides once the "stressor" is removed severe anxiety means that anxiety levels are intense and unrelenting. Severe anxiety is a mental health concern and can have an adverse effect in all areas of a child's/teenager's life. Severe anxiety relating to the prospect of attending school and poor school attendance is called school refusal.

School Refusal is also referred to as School Phobia, School Anxiety or Anxiety Based School Avoidance. School Refusal is different to truancy. School refusal is a persistent problem and is often characterized by tearfulness before school and/or pleas to stay home, fatigue, unexplained illnesses etc.

I/We have been informed that It is important to recognise the need for early and informed assessment and intervention. If the issues surrounding school refusal are not addressed carefully it can affect a child's academic progress and overall engagement with school. If mental health declines it can also have a detrimental long-term effect on all aspects of a child or teenager's life and wellbeing.

In order to begin this process of early intervention, my/our observations are that the difficulties influencing [child's name] anxiety are related to

(STATE the specific things that make your child anxious and any other concerns you have i.e. possible learning difficulties)

3. RESPONSE IF YOU ARE ASKED TO DO SOMETHING YOU DO NOT AGREE WITH

I/We are writing to you today because I/we have been informed by that and I/we have significant concerns that this approach is unlikely to resolve [child's name] current difficulties with anxiety and could make the situation worse. These concerns are shared by who advised me/us that

I/We are concerned that in [setting these expectations / making these demands] the school is demonstrating that it is not willing to accept mental health difficulties as either valid reasons for absence, or as special educational needs that require appropriate support and provision. I/We hope you are aware of the current focus on mental health issues in schools, with various reports, studies and conferences discussing ways that schools can better support children who are experiencing mental health difficulties. For further information,

I/we request that you consult with the range of current literature detailing ways that schools should support the mental wellbeing of pupils, including:

- Supporting pupils at school with medical conditions (2014) is statutory guidance for governing bodies of maintained schools and proprietors of academies in England. Department for Education www.gov.uk/government/uploads/system/uploads/attachment_data/file/349435/Statutory_guidance_on_supporting_pupils_at_school_with_medical_conditions.pdf
- Mental health and behaviour in schools (2014) Department for Education www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2
- Promoting children and young people's emotional health and wellbeing (2015) Public Health England https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414908/Final_EHWP_draft_20_03_15.pdf
- What works in promoting social and emotional wellbeing and responding to mental health problems in schools? (2015) National Children's Bureau www.ncb.org.uk/areas-of-activity/education-and-learning/partnership-for-well-being-and-mental-health-in-schools/what-works-guidance-for-schools

Mental health difficulties such as severe anxiety are acknowledged as significant and requiring support as they are included within Government guidance documents such as the schools guide to the SEN Code of Practice which states:

- All those who work with children and young people should be alert to emerging difficulties and respond early. In particular, parents know their children best and it is important that all professionals listen and understand when parents express concerns about their child's development. They should also listen to and address any concerns raised by children and young people themselves.
- Where there are concerns, there should be an assessment to determine whether there are any causal factors such as undiagnosed learning difficulties, difficulties with communication or mental health issues.
- Schools should ensure they make appropriate provision for a child's short-term needs in order to prevent problems escalating. Where there are long-lasting difficulties schools should consider whether the child might have SEN.
- It should not be assumed that attainment in line with chronological age means that there is no learning difficulty or disability. For example, some children and young people may be high achieving academically but may require additional support in communicating and interacting socially. [...] Some learning difficulties and disabilities occur across the range of cognitive ability and, left unaddressed may lead to frustration, which may manifest itself as disaffection, emotional or behavioural difficulties.
- When reviewing and managing special educational provision there are four broad areas of need and support which give an overview of the range of needs that should be planned for, they are:
 - Communication and interaction
 - Cognition and learning
 - Social, emotion and mental health difficulties
 - Sensory and/or physical needs

In addition to the possibility of special educational needs, disability is defined by **The Equality Act (2010)**. A person is disabled if they:

- Have a physical or mental impairment (The court has ruled that this simply means something physically or mentally 'wrong').
- The impairment is long-term. This means that it will last more than 12 months or has a repeated short-term impact which will, in total, last more than 12 months.
- The impact on day-to-day activity is substantial (including that it impairs memory, or ability to concentrate, learn or understand, or perception of the risk of physical danger).

Unfortunately, [Child's name] difficulties with anxiety [and] are likely to continue and possibly increase, at least until he/she receives appropriate assessment and support. These difficulties are significant because they have had an adverse effect on [child's name] ability to carry out normal day-to-day activities, including attending school. The anxiety is hindering [child's name] opportunities to make use of the school's facilities and affecting his/her ability to learn, concentrate or understand. Therefore, it seems reasonable to consider [child's name] difficulties to be a disability and a special educational need.

In order to address this anxiety effectively I/we understand the importance of taking advice from professionals with specific training in treating mental health difficulties in order to prevent an escalation of the difficulties, and further harm to my/our child's wellbeing. To try to arrange this I/we have taken the following steps:

[list details of appointments with GP/ CAMHS / Paediatrician / other medical evidence/involvement]

(Please see the attached copies of letters from.....as evidence:)

Unfortunately, we are being hindered by the current long waiting times to access this support and I/we ask that you show some understanding of the difficult situation we are currently facing due to the underfunding and high demand for CAMHS and NHS services at this current time.

Furthermore, we are/ I am concerned that in setting expectation that (child's name) will the school is not accepting their responsibility under the Equality Act (2010) to reasonably adjust their expectations, or to make reasonable adjustments to the support offered for [child's name] as a student suffering with a disability such as severe anxiety. Disability discrimination can occur directly or indirectly and includes schools not making reasonable adjustments to support the child with the disability. Additionally, the act highlights discrimination via harassment towards a person with a disability where this leads to a violation of that person's dignity or creates an intimidating, degrading, humiliating or offensive environment for that person. This last point could describe the pressure they are being subjected to, to [attend whilst unwell and/or comply with your expectation to]

4. REPLYING TO A LETTER THREATENING PENALTIES FOR NON-ATTENDANCE

I am/We are writing in reply to your letter datedrequiring us to

In response, I am/ we are requesting your support in relation to the current difficulties that my/our son/daughter [child's name] is experiencing with 'School Refusal' (also referred to as School Phobia, School Anxiety or Anxiety Based School Avoidance). This term describes the reaction of children who experience extreme anxiety and distress in relation to attending school for a variety of reasons. Anxiety is a common emotion, however, when a child is suffering with an anxiety disorder or severe anxiety, the feeling of anxiety is far more intense and long-lasting. A mental health difficulty of this sort can have an adverse effect on a child's health and wellbeing and, if not addressed appropriately, can affect academic progress, overall engagement with school, and result in complete inability to enter the school environment.

I am/We are concerned that in deciding to issue penalties or refer me/us to the local authority for prosecution, the school are demonstrating that they are not willing to accept mental health difficulties as either valid

reasons for absence, or as special educational needs that require appropriate support and provision. In response to this I/we would like to draw your attention to the following points from government statutory guidance:

Special Educational Needs

The Children & Families Act (2014) states that a child or young person has SEN if they have a learning difficulty” or “disability” which requires “special educational provision”.

A child or young person has a “learning difficulty” if they:

- Have a significantly greater difficulty in learning than the majority of others of the same age.
- Have a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

Disability

Disability is defined by **The Equality Act (2010)**. A person is disabled if they:

- Have a physical or mental impairment (The court has ruled that this simply means something physically or mentally ‘wrong’).
- The impairment is long-term. This means that it will last more than 12 months or has a repeated short-term impact which will, in total, last more than 12 months.
- The impact on day-to-day activity is substantial (including that it impairs memory, or ability to concentrate, learn or understand, or perception of the risk of physical danger).

Unfortunately, [Child’s name] difficulties with anxiety [and] are likely to continue and possibly increase, at least until he/she receives appropriate assessment and support. These difficulties are significant because they have had an adverse effect on [child's name] ability to carry out normal day-to-day activities, including attending school. The anxiety is hindering [child’s name] opportunities to make use of the school’s facilities and affecting his/her ability to learn, concentrate or understand. Therefore, it seems reasonable to consider [child’s name] difficulties to be a disability and a special educational need.

Furthermore, we are/ I am concerned that the school is not accepting their responsibility under the Equality Act (2010) to reasonably adjust their expectations, or to make reasonable adjustments to the support offered for [child’s name] as a student suffering with a disability such as severe anxiety. Disability discrimination can occur directly or indirectly and includes schools not making reasonable adjustments to support the child with the disability. Additionally, the act highlights discrimination via harassment towards a person with a disability where this leads to a violation of that person’s dignity or creates an intimidating, degrading, humiliating or offensive environment for that person. This last point could describe the pressure they are being subjected to, to attend whilst unwell [and also to the treatment they receive in school while ill/distressed] which is causing anxiety related to

In order to address this anxiety effectively I/ we understand the importance of taking advice from professionals with specific training in treating mental health difficulties in order to prevent an escalation of the difficulties, and further harm to my/our child’s wellbeing. To try to arrange this I/we have taken the following steps:

[list details of appointments with GP/ CAMHS / Paediatrician / other medical evidence/involvement]

(please see the attached copies of letters from.....as evidence:)

Unfortunately, we are being hindered by the current long waiting times to access this support and I/we ask that you show some understanding of the difficult situation we are currently facing due to the underfunding and high demand for CAMHS and NHS services at this current time.

I/We also ask you to consider whether proceeding with penalties or prosecution is likely to make any difference in these circumstances, especially when research indicates the use of fines and prosecution of parents has very little effect, especially in cases of extended absence due to mental health difficulties (which are significantly different to 'truancy').

Furthermore, I/we have been advised that a school will be failing in their duty if they mark legal documents such as attendance registers incorrectly. Absence due to illness, medical issues, and essential medical appointments are all statutory defences under law and must be marked on the register as authorised absences. Considering all that I/we have said about my/our child's medical reasons for absence I/we hope you will agree that his/her attendance should be authorised. As the head teacher has the discretion to make each decision about authorisation, and whether to refer individual cases to the local authority, I/we hope you will reconsider the matter in [child's name] case.

5. IF ANY SEND IS ALREADY DIAGNOSED

I am/We are doing everything I/ we can to resolve [child's name] difficulties [eg...in attending school/arriving on time] however I/ we think it is reasonable to conclude that [child's name] anxiety is linked to his/her diagnosis of [.....]. This could be a strong indication that his/her Special Educational Needs are currently not being met within the school.

[OPTION 1] The school state that they are supporting [child's name], and while I/we are appreciative of the efforts of the school I/we feel that more could be done to help. I/we would like to see[action/program] implemented.

[OPTION 2] [I was/we were] informed on.....[date] by[staff member] that there will be no special provision or support for[child's name] because he/she doesn't have a problem at school/ his/her problems are not severe enough].

There is a common conflict of opinion and misunderstanding about children with anxiety. One important point to keep in mind is that not all anxious children and young people will display the expected characteristics of anxiety. Some mask or hide their anxiety for fear of someone finding out that they are anxious. Others show no signs of anxiousness at all, containing their feelings of anxiety inside to avoid attracting attention or being ridiculed, or told off. If they hold the anxiety inside until they get home they then have to release these emotions. This creates the situation where the school thinks a child is 'fine', but the family experiences high levels of distress on a daily basis and I/we ask you to consider this scenario and not automatically dismiss my/our concerns.

6. ACTIONS SCHOOL SHOULD BE TAKING

In regard to the support that can be provided within school, I/we have been advised that the following actions reflect current guidance for schools within The Equality Act (2010), The Children & Families Act (2014) and The SEND Code of Practice (2015), when deciding upon the best ways to help any child with mental health related needs:

- The school should make a referral to an Educational Psychologist for an assessment.
- The school should assess the student for SEN and offer support in accordance with the SEND Code of Practice (2015) as anxiety disorders are a diagnosable disability, particularly when a parent has reported this as the reason for absence.
- The school can make a referral to CAMHS for an assessment if this has not already been done.
- If the school is unable to provide suitable educational provision that the child can access they should apply to the Local Authority for an EHCP assessment.
- If the child is absent for more than 15 days the school is required to inform the Local Authority medical needs officer who should arrange alternative full-time educational provision [<https://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school>]
- The school should provide homework whilst the student is unable to attend - their duty to educate does not stop because a student does not attend due to showing traits of SEN (diagnosed or not).
- The school should explore the 'Local Offer' and make a referral to MAST (Multi Agency Support Team) who can provide strategies for attendance difficulties.
- The school should put in place a support plan which has been shared with parents to identify a structured way forward including the strategies in place to phase back in full attendance when appropriate and a backup plan if this fails.
- The Government document 'Illness and your child's education' states: If your child can't attend because of illness or injury, your school and local council will provide support to make sure their education doesn't suffer.

The school should:

- let the local council know if child is likely to be away from school for more than 15 school days
- give the local council information about the child's needs, capabilities and the programme of work
- help them reintegrate at school when they return
- make sure the child and family are kept informed about school events and clubs
- encourage the child to stay in contact with other pupils, e.g. through visits or videos

I/We would like to argue that the school and local authority have not carried out [any/all/most] of these actions and therefore, they should be doing more to support [child's name], rather than issuing penalties or prosecuting me/us.

7. IF YOU WANT TO APPLY FOR AN EHCP

A child has rights in relation to their mental health, the same as physical health issues. There are laws and statutory duties that Local Authorities should be following. I/We have been advised [by IPSEA / SENDIASS / National Autistic Society / SOS SEN /other advisory source - delete as applicable] that it is advisable to begin the process of applying for an EHCP. They have informed me/us that:

- A school should trigger an EHC needs assessment where they cannot meet a child's needs.
- A school should do so even if they don't have the expertise or funding to identify those needs fully or to identify the provision/support the child requires.
- A school should also do so when they know what the child's needs are and what provision should be put in place, but they cannot make that provision.

[If applicable, mention any interventions that have already been tried but not worked, discussions/meetings that have been held or other evidence you have that the school cannot meet your child's needs]

In suggesting the need for an EHCP I/we would like to draw your attention to the following points from primary legislation in England:

Section 20, Children and Families Act 2014:

When a child or young person has special educational needs

(1) A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her.

(2) A child of compulsory school age or a young person has a learning difficulty or disability if he or she—

- (a) has a significantly greater difficulty in learning than the majority of others of the same age, or
- (b) **has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.**

Section 66, Children and Families Act 2014

Using best endeavours to secure special educational provision

(1) This section imposes duties on the appropriate authorities for the following schools and other institutions in England—

- (a) **mainstream schools;**
- (b) maintained nursery schools;
- (c) **16 to 19 Academies;**
- (d) **alternative provision Academies;**
- (e) institutions within the further education sector;
- (f) pupil referral units.

(2) If a registered pupil or a student at a school or other institution has special educational needs, the **appropriate authority must, in exercising its functions in relation to the school or other institution,**

use its best endeavours to secure that the special educational provision called for by the pupil's or student's special educational needs is made.

(3) The “**appropriate authority**” for a school or other institution is—

(a) in the case of a maintained school, maintained nursery school or institution within the further education sector, **the governing body;**

(b) in the case of an Academy, **the proprietor;**

(c) in the case of a pupil referral unit, the management committee.

A local authority is responsible for carrying out a statutory assessment of a child or young person with SEN under the Children & Families Act 2014 s.36(8) if: the child or young person has or may have SEN. This is only a ‘may’ test and therefore the threshold for the local authority to carry out a statutory assessment is a low one.

There is absolutely no requirement in law for a parent or young person to obtain a report from an Education Psychologist or demonstrate that the school has spent £6,000 on SEN provision in order to demonstrate that a EHC needs assessment is required (DoE 2014 advice).

I/We believe in the light of the above, [child] meets the legal criteria for an EHC Needs assessment.

Choose from:

I/We therefore request you submit an EHC needs assessment to the local authority by [date]

Or

I/We are submitting a parental request for an EHC needs assessment under section 36.1 of the Children and Families Act 2014 which states:

Assessment of education, health and care needs

(1) A request for a local authority in England to secure an EHC needs assessment for a child or young person may be made to the authority by the child's parent, the young person or a person acting on behalf of a school or post-16 institution.

8. IF PHYSICAL ILLNESS IS A FACTOR IN NON-ATTENDANCE

[Child's name] absence is related to the physical illness/condition as diagnosed by..... Schools have a duty of care to accommodate children's medical conditions and needs within reason. There should be an individual healthcare plan (IHP) that is written jointly by the school, health professionals and parents. The IHP should detail the condition (e.g. symptoms and triggers) with clear guidelines for support, contact numbers, and staff with responsibility to help. This plan should be reviewed regularly and updated as necessary. The head teacher and school governors have a duty to ensure that an IHP is being carried out.

[If applicable]

This [illness/condition] can also be classed as a disability under the Equality Act 2010, given that it can have a long-term effect upon the ability to carry out normal daily activities. Disability discrimination can occur directly or indirectly and includes schools not making reasonable adjustments to support the child with the disability.

Additionally, the act highlights discrimination via harassment towards a person with a disability where this leads to a violation of that person's dignity or creates an intimidating, degrading, humiliating or offensive environment for that person. This last point could describe the pressure they are being subjected to, to attend whilst unwell [and also to the treatment they receive in school while ill/distressed] which is causing anxiety related to The school should be making adjustments to help them including educational support and environmental factors.

9. IF THE SCHOOL REFUSE TO ACCEPT A DIAGNOSIS or EVIDENCE PROVIDED

I/We have been informed that the school has taken the decision that they do not agree with the diagnosis/evidence provided. Please respond, in writing, to the following questions:

- Who is responsible for the decision?
- What relevant training does the person making this decision or expressing this opinion have?
- What policy are they following when deciding to ignore expert advice?
- Who is accountable for any harm that occurs as a result of them ignoring medical advice?
- Are they willing to undertake a risk assessment to back up their opinion?
- Are they willing to contact the expert who carried out the assessment (or a representative of the team that carried it out) so that they can talk through their observations, assessments and conclusions?

10. ACCURACY of ATTENDANCE REGISTERS (not needed if Section 4 has been included)

I/We have been advised that a school is failing in their legal duty if they mark registers incorrectly. Absence due to illness, medical issues, and essential medical appointments are all statutory defences under law and must be marked on the register as authorised absences. In regard to absence from school, The 1996 Education Act, section 444 3b states:

'The child shall not be taken to have failed to attend regularly at the school by reason of his absence from the school:(b) at any time when he was prevented from attending by reason of sickness or any unavoidable cause'

Considering all I/ we have said about my/our child's medical reasons for absence I/we hope you will agree that his/her attendance should be authorised and I/we would appreciate your support and a reconsideration of approach in this case.

11. LETTER ENDING

I/We are aware that it is my/our responsibility as parents to ensure my/our child receives an education that is suitable for his/her needs and abilities. I/We ask you to note that I am/we are not preventing my/our child from receiving an education, it is the debilitating anxiety he/she is experiencing that is currently preventing their attendance at school.

I/We trust that the detail of this letter [along with copies of letters from.....] offers sufficient evidence that my/our child has a genuine reason for absence and I am/we are doing everything possible to resolve [child's name] difficulties. I/We therefore hope you will support me/us by authorising [child's name] absence on medical grounds [choose from either of the following two options]

and meet with me/us to discuss the best ways to support their wellbeing and learning opportunities,

OR if you are responding to a Prosecution threat letter include the following:

and withdraw the penalty/prosecution notice. If this matter does lead to a court hearing, and given that illness is a statutory defence in attendance cases, please be aware that this letter, and the documentation referred to in it, will form part of the evidence I/we provide to demonstrate that I/we have not, in fact, committed any offence,

Yours sincerely,

With reference to:

- GUIDANCE: School Attendance (registers and codes)
<https://www.gov.uk/government/publications/school-attendance>
- GUIDANCE: Schools Guide to the SEND Code of Practice
<https://www.gov.uk/government/publications/send-guide-for-schools-and-alternative-provision-settings>
- GUIDANCE: Disability Discrimination
<https://www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils>
<https://www.gov.uk/government/publications/equality-act-guidance>
- Illness and Your Child's Education:
<https://www.gov.uk/illness-child-education>
- Education for children with health needs who cannot attend school
<https://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school>
- Alternative Provision:
<https://www.gov.uk/government/publications/alternative-provision>
- Mental Health & Behaviour in Schools
<https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2>
- Bullying at School:
<https://www.gov.uk/government/publications/preventing-and-tackling-bullying>
- Equality Act 2010: Advice for Schools:
https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools?utm_source=