



## Emotionally Based School Avoidance

Our team regularly advise and support parents and carers whose school-aged children are unable to access education because of anxiety or similar difficulties – very often associated with the child’s SEN. This used to be known as 'school refusal' but is also known as emotionally-based school avoidance.

When a child is unable to attend school and their behaviour and/or anxiety appears to be getting worse, it is important to seek help as soon as possible.

### Speak to your GP or other medical/mental health professional

As a first step, you should take your child to your GP and explain what has been happening. If the GP (or any medical/mental health professional) feels that your child is not currently fit to attend school, ask for a letter to the local authority (LA) to be provided, explaining this. Evidence of this type would provide a documented explanation for the child’s non-attendance.

You can ask your GP to refer your child to the Children and Adolescent Mental Health Service (known as CAMHS) or alternatively, you can complete a self-referral - [click here](#) to take you to the correct page. Thresholds for accessing this service are often high and waiting lists are often very long.

### Speak to the school

Schools must have regard to guidance issued by the Department for Education on their responsibilities where a mental health issue is affecting attendance.

Ask the class teacher, SENCO and or senior management team for a meeting to discuss what might be causing the school anxiety.

Consider the [school’s duties](#) under the Children and Families Act 2014 to identify and support any special educational needs or disabilities that the child may have.

Remember that the term “special educational needs” covers a broad spectrum which includes social, emotional and mental health needs. Your child does not need to be struggling academically in order to access SEN support.

The school may need to seek support from outside agencies. The local authority (LA) education welfare service can be helpful in providing strategies and support for children who are beginning to become school-anxious.

If the school may not be able to meet your child’s needs by itself, it may be a good idea to ask for an EHC needs assessment (the first step towards getting an EHC plan).



## What if my child already has an EHC plan?

If your child has an EHC plan but is still struggling to attend school, it is likely that the plan needs to be re-examined. Your child may need extra or different support, and/or a different school.

You should consider requesting an [early or 'Interim' review](#) of the EHC plan or a [re-assessment](#) of needs, especially if your child's mental health needs have arisen relatively recently and are not covered in the plan.

If you think a different school placement is necessary, you can find information on your rights to request a particular school on our website.

Your LA must continue to secure the special educational provision in the EHC plan while your child is out of school (section 42, Children and Families Act 2014).

## Getting temporary education put in place

The LA has a legal duty to secure suitable, full-time alternative education for those children of compulsory school age who, by reason of illness, exclusion or otherwise, may not for any period receive suitable education unless such arrangements are made for them (section 19, Education Act 1996). This applies whether or not your child has an EHC Plan.

Details of how to get temporary education put in place may be found on Wirral's new Local Offer website [SENDLO](#).

LA's should have regard to the statutory guidance entitled: '[Ensuring a good education for children who cannot attend school because of health needs](#)'. "Health needs" can include anxiety and other mental health needs.

You'll see from the guidance (page 8, paragraphs 12-13) that supporting medical evidence will be required. The LA may expect this to come from a consultant, but they should "work closely with medical professionals and the child's family, and consider the medical evidence". In the short term at least, this could be from a GP.

It also states (paragraphs 14-15) that LA's should provide such education as soon as it is clear that the child will be away from school for 15 days or more, whether consecutive or cumulative, and should do so at the latest by the sixth day of the absence.

"Full-time education" is not defined in law, and LAs will often only offer a few hours of home tuition per week. However, the guidance states (at the bottom of page 4) that it should "equate to what the pupil would normally have in school – for example, for pupils in Key Stage 4 this would usually be 25 hours a week."

It is unlawful to withhold or reduce the provision, or type of provision, for a child because of how much it will cost. Therefore, LAs must not have policies that limit a child's education to a specified number of hours per week due to cost or availability.

## What if I am being threatened with an prosecution?

If you are being prosecution because of your child's absences from school, you should write to the Educational Welfare Service to explain that your child has special educational needs and is experiencing mental health difficulties.

If the LA continue with the threat of serving an Attendance Order, or actually serve it, you will need to speak to a solicitor who is familiar with education law. You should check if you qualify for legal aid.

Alternatively, you can contact our service on 0151 522 7990 (option 2) or send us an email [ias@wired.me.uk](mailto:ias@wired.me.uk)