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Attendance advice

Gypsy, Roma and
Traveller children

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Introduction

This advice gives information for parents and carers of Gypsy, Roma and Traveller children and those who work with them in schools and local authorities.

It is important for schools and local authorities to understand the culture of children and young people from Gypsy, Roma and Traveller communities as this reduces the risk of underachievement or exclusion of the pupil. The best opportunities are found when parents/carers, schools and local authorities understand each other and plan and work together in the interest of the child.

The advice explains what the law says and describes some good ideas about school attendance for Gypsy, Roma and Traveller pupils.

For the purposes of this advice only, the term ‘Gypsy, Roma and Traveller families’ means:

- a)
 - i. Gypsies inc. Romanies, Romanichals, Welsh Gypsies/Kaale, Scottish Gypsies/Travellers;
 - ii. Irish Travellers, Minceir;
 - iii. Roma from Eastern and Central Europe;
 - iv. Showmen (Fairground people);
 - v. Circus people;
 - vi. Boat Travellers/Bargees;
 - vii. New Travellers or New Age Travellers; and
- b) the parent/carer is engaged in a trade or business of such a nature that requires them to travel from place to place.

This advice on school attendance only applies to families who meet the criteria at both a) and b) above.

In this advice the term ‘travelling’ means travelling as part of the parents’/carers’ trade or business. It does not mean travelling as part of a holiday or extended holiday.

What the law says

1. The law¹ says that parents must ensure that their compulsory school-age children receive an efficient, full-time education suitable to their age, ability and needs – either at school or otherwise. This means that parents/carers have a right to educate their children by registering and sending them to school (state-funded or independent) or outside the school system. ‘Outside the school system’ could be by parents/carers teaching children themselves (or someone else doing so) within their home setting. In this case, there is no legal requirement for the parent/carer to register with or to notify the local authority. If the parent/carer decides to home-educate at some point after the child has been registered at a school, then the school can only remove the pupil from roll after receiving a letter or email from the parent/carer confirming that they are removing their child to educate them at home. The school must also tell their local authority that it has deleted the pupil from the registers.

Registering a child from a Gypsy, Roma or Traveller family at a school

2. Some Gypsy, Roma and Traveller families now live in houses for at least part of the year. However, the nature of the parents/carers’ work may mean they travel at other times of the year.
3. Parents/carers and children from Gypsy, Roma and Traveller families have the same rights as any other family, in relation to access to school places. Schools and local authorities should ensure there is no unfairness or discrimination when an application for a school place is made. Class sizes for Reception or Key Stage 1 can be increased in some cases to enable a child from a Gypsy, Roma or Traveller family to attend a local school near to where they are staying.
4. All children, including those from Gypsy, Roma and Traveller families, can be on the register at more than one school. This is known as ‘dual registration’.
5. A ‘base school’ is the school that a child from a Gypsy, Roma or Traveller family most recently attended during the preceding 18 months, when the family was not travelling. The legislation calls it the ‘school of ordinary attendance’.
6. If a school is the base school for a dual-registered child from a Gypsy, Roma or Traveller family, the law says the school cannot remove that child from the register just because they have registered at another school. However, nothing prevents schools other than the base school from doing so if the child is no longer attending. If a school needs specific advice regarding removing a child from its register, it should consult its local authority before taking any action.
7. Some parents have found their children being removed from the register of the base school while they are away travelling, so there is no place for them when they return. This should not happen and, if parents/carers find that it has, they should contact the Children’s Services admissions department or Education Welfare Service.

¹ Section 7 Education Act 1996 (as amended)

Recording attendance

8. It is important that parents/carers understand that schools and their staff must comply with legislation and follow the advice from the Department for Children, Schools and Families relating to attendance and absence. The following paragraphs highlight some of the issues that schools should consider when recording attendance and absence.
9. All schools are required to take an attendance register twice a day, for all of the pupils on their admissions register, at the start of the morning half-day session and during the afternoon.
10. On any day when a child, including those from Gypsy, Roma or Traveller families, is present in school during registration, the school must record the child as present. If the child is late arriving at school for the session, the school should mark them late before the register closes (L) or late after registration (U).
11. On any day when a pupil, including those from Gypsy, Roma or Travelling families, is present at another school or educational provision is made for them (whether travelling or not), the school should use the most appropriate of the following codes.
 - Code B – the child is present at an educational activity under the jurisdiction of a school, Traveller Education Service or other service/provider. This could be via a computerised/IT system where the pupil's engagement can be positively identified.
 - Code D – the pupil is present at another school at which they are registered.
 - Code J – the pupil is present at an interview with a prospective employer, Connexions or other educational establishment (not part-time employment outside school hours).
 - Code P – the pupil is present at approved sporting activity.
 - Code V – the pupil is present at an educational visit or trip.
 - Code W – the pupil is present at work experience (not work-based training).

The activity must take place during the school session in question, be approved by the school, be supervised by someone approved by the school and take place off the school's premises, for these codes to be used. Schools should ensure that they have arrangements in place whereby they can gather and record accurate information about individual pupils' attendance and absence, using the correct codes from schools and providers.

12. On days when a pupil from a Gypsy, Roma or Traveller family is known to be out of area, due to the family travelling, and is not in educational provision, then the school can use the letter code T to record the absence. Parents/ carers should make sure they let the school know in advance when they are going to be travelling, and when they expect to return, so that attendance and absence are recorded accurately.
13. On days when pupils, including those from Gypsy, Roma or Traveller families, are absent for other reasons (whether travelling or not), schools should use the appropriate code to record that absence. If the reason for a pupil's absence is not known it must be recorded as unauthorised absence.

14. Schools and local authorities should regularly monitor the use of the T code to ensure it is being used appropriately and not in cases where another code should be used. Schools should also consider if it is appropriate to use the T code (i.e. authorising the absence) if the pupil has failed to record a minimum of 200 sessions' attendance at any school during the previous rolling 12-month period.

School attendance law in relation to children from Gypsy, Roma and Traveller families

15. The law recognises that Gypsy, Roma and Traveller families may have an additional reason to keep their children from school, which is different from non-Gypsy, Roma and Traveller families. This is that children are of 'no fixed abode' (see paragraphs 17 and 18) and their parent(s) are engaged in a trade or business that requires them to travel from place to place and therefore prevents them attending school. Nevertheless, each child must attend school as regularly as that trade or business permits, and children over six years old have to attend at least 200 sessions in each rolling 12-month period.
16. This law does not automatically reduce the number of days that children from Gypsy, Roma and Traveller families are expected to attend school; schools and local authorities should seek to secure these pupils' regular attendance at 380 sessions each school year.
17. The law makes no reference to a physical dwelling. So, a Gypsy, Roma or Traveller family that lives in a house, but travels in the course of their trade or business, can be classed as of no fixed abode. Local authorities are therefore strongly advised to seek legal guidance from their chief legal officer before taking action in any specific case.
18. Local authorities can still issue school attendance orders to Gypsy, Roma and Traveller families in exactly the same way as they do to any other family.
19. Schools and local authorities should use the full range of interventions and parental responsibility support measures with Gypsy, Roma and Traveller families, in the same way as they would for any other family. The use of legal interventions with parents, including seeking an education supervision order for a child, may be appropriate if that child has high levels of unauthorised absence.
20. Close liaison with the Traveller Education Service (TES) is advised when the local authority or school is considering any action to improve attendance.

Children not receiving a suitable education

21. All local authorities have a named person who is responsible for ensuring that the authority maintains a register of children not receiving suitable education. For the safety of all children, every authority has to take all reasonable steps to find out what has happened to those children included on this register. It is therefore extremely important that local authorities use the register for Gypsy, Roma and Traveller children, as it does for any other child. The register of children not receiving suitable education must be maintained accurately. Schools and local authorities must comply with the legislation and statutory guidance about children not receiving suitable education, and on child registration, especially at times when they are removing any child from their register.

Good practice

22. Gypsy, Roma and Traveller families can sometimes need specialist help to ensure their children get the most out of their education. Most local authorities have a specialist Traveller Education Service or equivalent specialist service that can support schools in developing distance learning. Schools should consider how ICT can or could support and enable children to continue their education while travelling.
23. When travelling, a parent/carer has the right to enrol their child at another school. Schools may need to consider how they can support children who enrol in this way, with particular reference to issues such as school uniform, in order that their actions and requirements are not seen as discriminatory.
24. Schools admitting children from Gypsy, Roma and Traveller families, while the families are travelling, should encourage the parents to provide the details of the base school, so that they can work together with that school to provide as much continuity as possible, and in order that these children's absence and attendance are recorded accurately at the base school. Maintaining accurate records will prevent unnecessary action being taken against parents.
25. Schools should ask parents of Gypsy, Roma and Traveller children to give as much advance notice as possible of dates when they will be away travelling. This will help the school to work with parents/carers to plan ongoing education, and will ensure that the children's attendance and absence are recorded accurately. With advance notice, schools will have time to seek additional support, if needed, from the Traveller Education Service supporting Gypsy, Roma and Traveller families.
26. When analysing absence data, schools may wish to consider the effect of Gypsy, Roma and Traveller children's attendance and absence. Schools cannot remove these children's data from the School Census returns, from the School Profile or from the Self-Evaluation Form (SEF). Schools may wish to use the data analysis when discussing attendance with the governing body, school improvement partner, local authority officers or Ofsted.

Audience: Parents and carers who are Gypsy, Roma or Traveller; all primary, secondary and special schools; LA Attendance Leaders.

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