PDA PARENTING

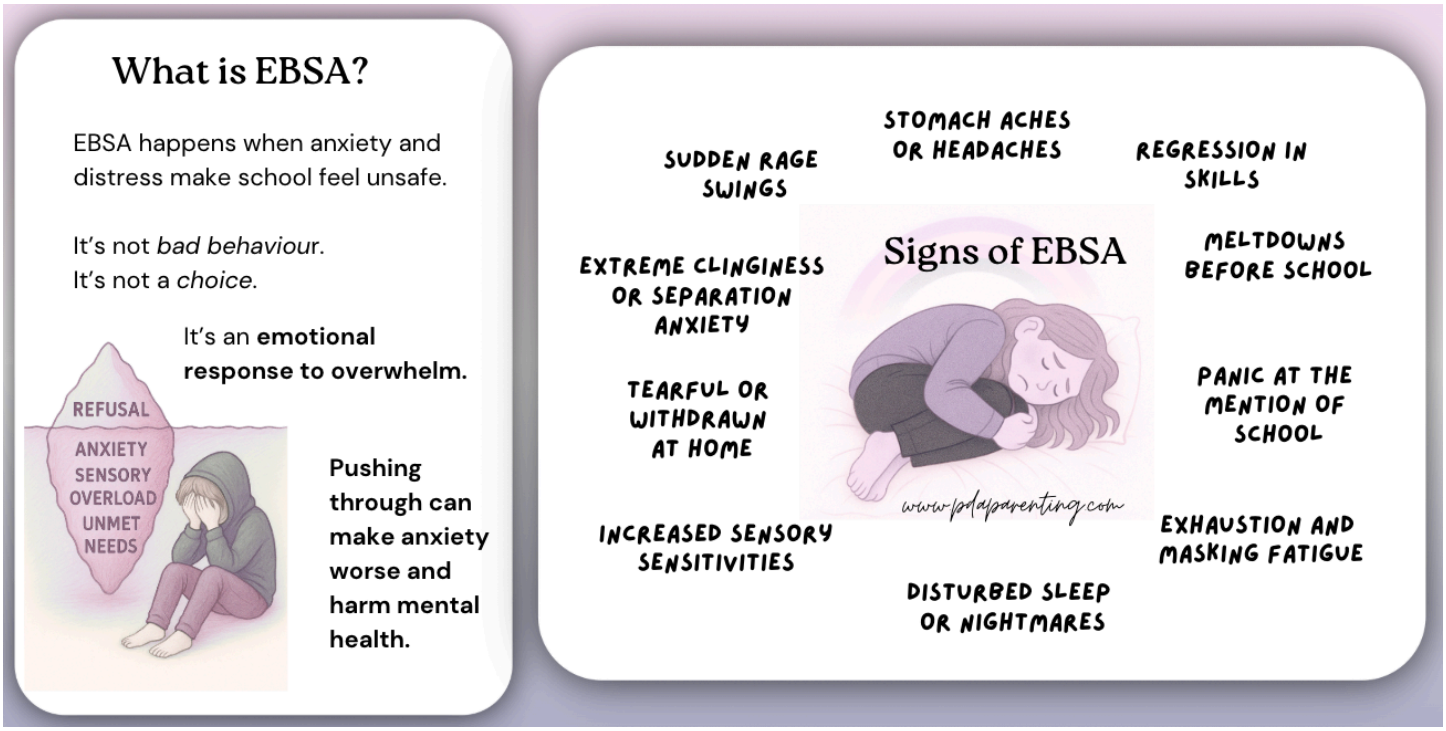
Documents to support PDA families

EBSA & Fines: What Parents Need to Know

What is EBSA?

Emotionally Based School Avoidance (EBSA) describes when a child finds it too overwhelming to attend school because of emotional distress, most often linked to anxiety. EBSA is about a child's **inability** - not unwillingness - to attend. There can be many contributing factors, from sensory overload and social pressures to learning differences or difficulties with regulation.

Common signs include physical symptoms such as headaches, stomach aches or extreme fatigue, high levels of distress in the mornings or escalating avoidance as the school day approaches. Sometimes it appears in different ways, such as after-school meltdowns, sudden changes in behaviour or complete shutdowns once the child gets home.



EBSA is increasingly recognised in education and mental health fields as a significant barrier to accessing learning and is often connected to neurodivergent profiles such as autism, ADHD, dyslexia or a combination of differences in the way children experience and process the world. Importantly, EBSA is not a "behavioural choice." It reflects a nervous system that

has become dysregulated in response to an environment that feels overwhelming or unsafe. Supporting EBSA requires compassion, joined-up planning and meaningful adjustments - not punishment or pressure.

This guide is for parents, as well as professionals, in order to share the right information and maintain good practices across all settings.

Understanding Your Rights

Parents cannot be fined for a child's absence when that absence is due to illness. Emotionally Based School Avoidance (EBSA) is not truancy - it is rooted in anxiety and other emotional needs that make school attendance overwhelming. In law, this means that absences linked to EBSA should be recorded as **authorised** rather than unauthorised. The most appropriate codes are:

- **"I"** – Illness (physical or mental health)
- **"C"** – Authorised other circumstances

Absences should not be marked as **"O"** (unauthorised), as this inaccurately suggests refusal or parental neglect.

While penalty fines are sometimes used by schools or local authorities as a deterrent to non-attendance, they are **discretionary**. In practice, this means that schools and LAs can decide whether or not to issue them. Unfortunately, fines are often misapplied in EBSA cases to "encourage" attendance, when in reality they add further stress to families and fail to address the root causes. It is important for parents to know that these measures are inappropriate when a child's absence is clearly linked to anxiety or emotional distress.

Getting Medical Evidence

If your child cannot attend school because of anxiety, you are entitled to seek medical evidence to support their absence. This may come from a GP, CAMHS or another professional who knows your child and can confirm the impact anxiety is having on attendance. Even a short letter can make a significant difference in how absences are understood and recorded.

It's important to know that schools cannot demand excessive or intrusive documentation. The law only requires evidence that is **reasonable**. This means that:

- A brief GP note or letter confirming your child is unable to attend due to anxiety is enough
- Schools should not insist on detailed reports or repeated assessments before authorising absence
- Evidence can also be provided by other professionals involved with your child (e.g. therapists, educational psychologists, support workers)

In many cases, a simple statement that the child is currently unable to attend school due to anxiety is sufficient for absences to be authorised.

School Duties Under the Law

Schools are not only responsible for providing education - they also carry legal duties to protect and support children who cannot attend because of EBSA. Under the **Equality Act 2010**, children with anxiety and neurodivergent profiles are recognised as having additional needs and schools are required to make **reasonable adjustments**. This means that punishing absence through fines is not an appropriate or lawful response.

There is also clear national guidance that sets out schools' and local authorities' responsibilities when a child cannot attend school for health reasons. If a child is likely to be out of school for an extended period, the Local Authority (LA) must step in and provide alternative provision.

Key duties include:

- Making reasonable adjustments for children whose difficulties prevent regular attendance
- Recognising EBSA as a valid barrier to education, not a behaviour problem
- Following statutory guidance: if absence is expected to last **15 school days or more**, the LA must arrange **alternative provision** such as home or online tutoring
- Working with families to create a support plan, rather than threatening fines or escalating to legal action

Challenging Fines

If you do receive a penalty notice, it is important to know that fines are not final. Parents have the right to challenge them and many fines collapse when supported with evidence. The key is to demonstrate that absences are linked to genuine health and emotional needs, not truancy.

Steps you can take to challenge a fine include:

- Keeping clear records: GP letters, therapist notes, school meeting minutes and email exchanges
- Providing evidence that absences were due to anxiety or other emotional needs
- Writing to the school or local authority to set out your grounds for appeal
- Refusing payment if the fine is inappropriate and explaining why in writing
- Putting in a Subject Access Request (SAR) to school and/or the local authority (if services are involved with your child) in order to build a clearer picture of EBSA evidence

With reasonable medical evidence and a clear record of your child's difficulties, fines often prove unenforceable.

Why Fines and Forcing Attendance Can Backfire

While penalty fines may be intended as a quick solution to non-attendance, the reality is that they often make things worse. Forcing attendance when a child is experiencing EBSA can increase anxiety, damage trust between the child and school and create lasting trauma around education. What may look like a “short-term fix” can actually have long-term consequences, making re-engagement with learning even harder.

Instead of improving attendance, punitive measures risk:

- Escalating a child’s anxiety and distress
- Pushing children further away from education
- Damaging relationships between families and schools
- Creating cycles of fear and resistance rather than progress

Children who feel safe, understood and supported are far more likely to rebuild their confidence in education. Recognising EBSA as a nervous system response - not a behaviour problem - is essential to preventing long-term disengagement.

When to Consider an EHCP

If EBSA continues over time and significantly affects your child’s access to education, it may be appropriate to apply for an **Education, Health and Care Plan (EHCP)**. An EHCP is a legal document (in **England**) that sets out your child’s needs and the provision required to meet them. For children whose anxiety prevents attendance, this can be a vital safeguard to ensure they receive the right help.

Parents and carers can apply directly to their Local Authority for an EHCP assessment. When EBSA is a major factor, evidence such as medical letters, professional reports and a log of your child’s experiences can strengthen the request.

An EHCP can provide:

- Tailored support and adjustments designed to reduce barriers to learning
- Flexibility around attendance, such as phased timetables, part-time provision, or Education Other Than At School (EOTAS)
- Access to therapies, specialist teaching or additional adult support
- A legally binding framework that holds schools and local authorities accountable for meeting your child’s needs

Important note: This guidance relates to the system in **England**. Other parts of the UK (Scotland, Wales, Northern Ireland) have different legal processes, although the principles of securing formal support and ensuring access to education remain similar. Parents outside England should check their local legislation and guidance.

Practical Steps for Parents

Navigating EBSA can feel overwhelming, especially when you are also managing pressure from schools or local authorities. Having a plan of action can help you feel more in control and ensure your child's needs are properly recognised.

Practical steps you can take include:

- **Document daily experiences.** Keep a log of mornings, triggers, meltdowns and attempts to attend
- **Put concerns in writing.** Use clear language: "My child is not refusing - they are unable to attend due to anxiety"
- **Request formal support.** If your child has an EHCP, you can ask for an **Emergency Annual Review**. If not, request an **Early Help Assessment** or ask about your local EBSA support pathway
- **Asking for advice.** SENDIASS, IPSEA and SOS!SEN are all places where you can request advice and support, as well as reputable legal advocates or specialist education solicitors
- **Protect your perspective.** Remember: EBSA is not bad parenting or "naughty" behaviour. It is a recognised barrier to education that requires support and understanding

Final Thoughts & A Note of Hope

Facing EBSA can feel isolating, especially when the system leans on fines and pressure rather than understanding. But you are not alone - EBSA is a recognised challenge and there are legal protections in place to ensure your child is supported, not punished. Keep records, know your rights and don't be afraid to ask for help.

Progress with EBSA is rarely quick, but it *is* possible. Sometimes it shows up in small but important ways - a calmer morning, a child who feels safe enough to learn at home or re-engagement through alternative provision. What matters most is that your child feels understood and supported. With patience, the right adjustments and compassionate approaches, children can rebuild trust, regain confidence and find ways to thrive in education again.

At PDA Parenting, we share our expertise through conferences, events and webinars, as well as online resources for families and professionals. We have two books available on our website and you can sign up for our free newsletter to receive updates, tips and news straight to your inbox. Our upcoming children's book will focus on EBSA, providing support and understanding for young readers navigating school-related anxiety.

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