



# Refusal to engage – escalating letters

This guidance is for Attendance Service providers and to be used when whānau and caregivers are refusing to engage or where engagement is having little positive impact on their child's attendance or re-enrolment.

## Why send these letters?

These letters are designed to prompt action when attendance has not improved despite earlier efforts to engage and provide support. They remind the caregiver that you are available to provide support and assistance to help increase the student's attendance.

They also provide a formal record that demonstrates the caregiver has been advised of their obligation to ensure their child attends school, and that they have been warned of the possible consequences if they don't.

## When not to use these letters

You should not use these letters if you are actively engaged with the student or their family to explore other education pathways, exemption etc and you believe that progress is being, or will be, made.

You may choose to use parts of these letters in communications that are more appropriate to the circumstances.

## Where to start

Before using any of these formal letters, ensure you are aware of any previous letters that may have been sent (by the school and/or by the previous AS provider). Schools have been provided with a similar set of letters that they can use when attempting to engage caregivers to improve attendance.

We have provided two sets of four letters – one set for students who are chronically absent and a second for students who are non-enrolled. The letters progress in firmness – see summary below. You may use these templates as the basis of your own letters, but you must ensure that the key information (as outlined below) is communicated.

It may not be necessary to send all four letters, particularly if the school has already sent several letters or if you have reason to believe that there is very little potential for change in behaviour from the caregiver as a result of the communication. It may also be appropriate to send one letter multiple times, particularly if engagement with the caregiver is sporadic.

However, before referring a case to the prosecution team you must be able to demonstrate that the caregiver has been sent all the relevant information including the third letter. If you do notify the Ministry Prosecutions team the fourth letter must be sent.

After sending a letter your service should continue to follow up with further attempts to engage with the caregiver either in person, over the phone or through your networks prior to escalating further.

## Templated letters

The templated letters can be modified to include your service header and logo, the appropriate names and contact details and other relevant information.

These letters have been reviewed by the Ministry Prosecutions team to ensure we are providing the appropriate level of information around legal requirements.

A summary of the key content of each letter is provided below. The downloadable templated letters can be found here. [Attendance service operational guidance - Ministry of Education](#)

- **First letter** - The first letter focusses on the support your service can provide, while also informing caregivers of their legal obligations and potential consequences of not engaging.
- **Second letter** – This letter increases in firmness and tone, reiterates the legal obligations and consequences while continuing to provide information of the support your service can provide. This letter is optional, you may decide to move directly to the third letter.
- **Third letter** – This letter must be sent if you are anticipating that the case will be referred onto the prosecution team. The letter warns that without action the Ministry Prosecution team may consider the case for prosecution. Your service continues to be offered as a support

**Note:** Prior to notifying the Prosecutions team of this case speak with your Contract and Relationship Manager. They may have relevant information that would support this step or result in other options being pursued. For students who are chronically absent, let their school know your intention to make a referral to the Prosecutions team.

- **Fourth letter** – This letter must be sent if you have referred the case to the Prosecution team. It informs the parents or caregivers that the Prosecution team are now reviewing the case to determine grounds for prosecution.

## Designing your own letters

We recommend using the provided letters, as these have been reviewed to ensure appropriate language is used to support further escalation if pursued. However, your service can create its own letters as long as they meet the key requirements outlined below.

Formal letters must outline caregivers' legal requirements and the potential consequences of continued non-enrolment and non-attendance, and refusal to engage with available supports. Letters should also maintain the focus on your service's role in providing support.

Letters should increase in firmness and tone, through to advising the caregiver when the Ministry Prosecutions team are determining if the case will go to prosecution. Note that the equivalent of letter three must be sent before a case is referred to the Prosecutions Team, and the equivalent of letter four must be sent if a case is referred.

## Transferred cases and engagement

When reviewing the cases that transitioned into the new AS-CMS on 5 January identify those that have historical case notes that indicate a refusal to engage with the prior provider and where formal letters have already been sent.

It is possible that your service will have ways to connect into the parents and caregivers that the prior service didn't and that you will be able to make progress.

However, if your service makes reasonable efforts to engage with parents and caregivers, and offers of support are either not accepted or are actively declined, use your judgement, you may decide to move more swiftly to using formal letters.

## What to record in AS-CMS

- Record each attempt to engage with a caregiver, and the outcome, in a new case update. If the caregivers are refusing to engage with you, make sure this has been documented along with your record of each event.
- Upload each letter to the case record, and make a new case note to record the date the letter was sent and the reasons for sending it.
- If you are considering a referral to the Ministry Prosecutions Team, check the guidance provided in the [Attendance CMS Quick Reference Guide](#) and make sure that the case record is fully up-to-date.
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## Referring a case to the Prosecutions Team

The following sections outline how to refer a case to the Prosecutions Team, who are responsible for reviewing all referred cases and determining whether to proceed to prosecution.

A member of the Prosecutions team will meet with you before making a decision about whether to proceed. During this meeting they will talk you through the detailed process and provide advice on other actions that may be needed.

The Prosecutions team will be given access to all information held in AS-CMS about the case, where this is necessary to enable them to make a decision about whether to prosecute. If prosecution is taken, AS-CMS information including case notes will be used as part of the evidence presented.

### Referrals before end of April 2026

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- Until the end of April, referrals should be made by emailing the Prosecutions team at [attendance.prosecutions@education.govt.nz](mailto:attendance.prosecutions@education.govt.nz) to request a meeting. Include a case ID and your contact details, but do not include any case information or personally identifying information about the student or caregivers in this email.
- The Prosecutions team will contact your service to discuss next steps, including what additional information they may need.

**Referral from May onwards**

- Functionality that allows your service to refer a case to the Prosecutions team through a system notification in the AS-CMS will be available by end of April. This will securely send key information about the case directly to the Prosecutions team.
- As above, the Prosecutions team then will contact your service to discuss next steps.