

# **Children who are missing education by reason of illness, exclusion from school or otherwise Policy**

Section 19 and Reintegration Guidance for Schools and Academies

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## Introduction

Staffordshire County Council follows national legislation and guidance when determining how and when to discharge its' duty under Section 19 Education Act 1996.

"Each local authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them." Section 19 of the Education Act 1996 (legislation.gov.uk)

The Education Act also defines suitable education as an efficient education suitable to a child's age, ability, and aptitude and to any special educational needs s/he may have.

It is for a local authority to determine that a child will not receive a suitable education unless arrangements are made for them. The local authority must also consider its wider duties and responsibilities, including those in the Special educational needs and disability code of practice 2015 and Working Together to Improve School Attendance 2024.

The 2023 DfE statutory guidance - Arranging education for children who cannot attend school because of health needs underpins this policy.

Where possible, the child's health needs should be managed by the home school so that they can continue to be educated in school with support or remotely for a brief period, without the need for the intervention of the local authority in which the child lives. However, as soon as it is clear that the home school can no longer support the child's health needs and provide a suitable education, the school should submit a referral for a section 19 assessment to [educationcoreoffer@staffordshire.gov.uk](mailto:educationcoreoffer@staffordshire.gov.uk)

From January 2025, this referral will be through the Staffordshire Learning Net which all Staffordshire schools are currently using to submit statutory action referrals for unauthorised absences and

reasonable enquiries. Non-Staffordshire schools, referring Staffordshire resident children, can request a referral form by emailing [educationcoreoffer@staffordshire.gov.uk](mailto:educationcoreoffer@staffordshire.gov.uk)

## **Parental Responsibilities**

Parents/carers have a duty, under section 7 of the Education Act 1996, to ensure that their child of compulsory school age (5 to 16) receives an efficient full-time education either by attendance at school or otherwise and so have the responsibility of ensuring good and regular attendance.

As such, we would encourage parents/carers and schools to be open and work together to create a plan for attendance that fits with the needs of the child. Working with schools to understand the barriers to their child's attendance and, where appropriate, making reasonable adjustments to overcome those specific barriers is an effective way of building confidence and reducing anxiety about attending.

Parents/carers should engage with support offered by the school and be aware of the importance of regular attendance and the emotional and mental wellbeing benefits of attending school for children and young people. They should feel reassured that the school has a plan for their child, and parents/carers should feel supported in their responsibility of ensuring the child's regular attendance at school. Any reasonable adjustments or support put in place by schools should ensure that the time the child spends in school is prioritised as much as is possible.

Where support offered is not engaged with, or where all other options have been exhausted or deemed inappropriate, schools should work with Staffordshire County Council Education Welfare Officers (EWO) to consider whether to formalise support or to enforce attendance through legal intervention in the normal way under their existing powers.

When alternative provision is in place it is important that parents understand they are still required under section 7 education Act 1996 to ensure their child attends the provision on the days and times it has

been agreed. Failure to do this may result in the EWO taking legal action.

Parents should always provide updated medical advice and evidence of any medical interventions or plans in such instances when possible. Where we believe that a medical practitioner's ongoing opinion is necessary, we will give parents or carers a reasonable amount of time to contact them.

## **School responsibilities**

Section 100 of the Children and Families Act 2014 places a duty on governing bodies of maintained schools, proprietors of academies and management committees of Pupil Referral Units to plan for supporting pupils at their school with medical conditions.

In meeting the duty, the governing body, proprietor, or management committee must have regard to guidance issued by the Secretary of State under this section. Section 100 came into force on 1 September 2014.

The governing body should ensure that the school's policy clearly identifies the roles and responsibilities of all those involved in the arrangements they make to support all pupils at school with medical conditions.

Key points:

- a. Pupils at school with medical conditions should be properly supported so that they have full access to education, including school trips and physical education.
- b. Governing bodies must ensure that arrangements are in place in schools to support pupils at school with medical conditions.
- c. Governing bodies should ensure that school leaders consult health and social care professionals, pupils, and parent/carers to ensure that the needs of children with medical conditions are effectively supported.

Schools, Academies and Pupil Referral Unit's may refer a Staffordshire resident pupil of compulsory school age to the county council, where



additional alternative is required under section 19 Education Act 1996. The student must have 15 or more I codes recorded during the current school year; these do not have to be consecutive. SCC will consider, when agreeing additional alternative provision, the needs of the child, what is already offered by the school and what will best support the child returning to full-time education. **Any offer of education will be short term (we expect no longer than a term) and will need to have an expected return date to school.**

To request section 19 support, the school must submit a referral to [educationcoreoffer@staffordshire.gov.uk](mailto:educationcoreoffer@staffordshire.gov.uk). This must include a completed referral form, a signed attendance register, an individual health and care plan and any available evidence which supports the request. Schools can also provide a completed needs assessment and reintegration plan to support the child and ensure the local authority can offer the most appropriate support. From January 2025, this referral will be through the Staffordshire Learning Net and all required documents can be attached.

The DFE Working Together to Improve School Attendance, (Statutory from 19<sup>th</sup> August 2024) has updated the de-registration guidance and schools **cannot** remove a pupil from roll who is unable to attend the school due to health reasons.

## Local Authority responsibilities

Section 19: alternative provision by reason of illness or otherwise.

Children and young people who have additional health needs are, by the nature of their difficulties, at risk of failing to reach their true potential within an educational context. This is particularly the case for children and young people whose health needs prevent them from attending school for an extended period, or for those who are restricted by their health needs to attending school on a part-time or sporadic basis.

What provision is required for a child who is too ill to attend school is for the local authority to decide after considering medical advice and information provided by parents and schools. However, the local

authority is reliant on the school making a request to the education welfare team for consideration of alternative provision. Referrals cannot be accepted from parents as we require attendance information from the schools as the basis of the referral.

Section 19 includes the word 'otherwise' to explain that there are other situations that are not health related, in which a child may need to have arrangements made for them by a Local Authority to receive a suitable education. For example, a child whose bail conditions stated that they were not able to be in school, would meet criteria for Section 19.

Once a request is received, it will be allocated to an Education Welfare Officer (EWO) for them to investigate and seek a decision on whether to agree section 19 provision.

They will arrange to meet with the school referrer, all professionals involved and the parents and will assess the:

1. **Individual circumstances of the absence.** For example, What is the reason for the absence? Have the absences been authorised? What coding has been used? etc..
2. **Medical evidence / information** that is available. We would expect to see details of a health professional's plan / details of their involvement and a copy of the child's individual health and care plan.
3. **Reason for the involvement of all professionals** working with the child and consider their views.
4. **School Offer** to the child including reasonable adjustments, supporting the child back into school, how the school stay connected with the child ensuring that they are still connected with school and feel part of the school community.
5. **Parental and child's co-operation and engagement** with support offered. Section 19 must have cooperation from parents which includes working with all professionals to return the child back into school as soon as possible.

The EWO will then submit the section 19 with their rationale on if they have assessed that it meets criteria for section 19 or not. This is taken to the Family Practitioner Lead for Education Welfare (in their absence it will be taken to the Deputy Head of Attendance and Inclusion), to confirm if they agree with the EWO's decision making based on the

evidence that has been provided and they will then confirm one of the following.

1. Section 19 agreed - EWO to refer to the Alternative Provision Panel (APP) to request a short-term offer to support the school offer
2. Section 19 agreed - Child has an Education Health and Care Plan, EWO to refer to SEND Keyworker to take to APP
3. Section 19 declined -EWO to advise that the parent and school, work together to reintegrate the child back into regular attendance (this could be initially on a part-time basis - see Part-time Timetable policy). EWO to also inform other agencies so they can support with this.
4. Further information is required to assess for Section 19

If section 19 is agreed and the school cannot provide the education for the child, the EWO (or SEND keyworker if the child has an EHCP and the school can evidence they need support above their EHCP funding money) will make a request to the Alternative Provision Panel (APP) for consideration of provision. APP is held every Tuesday morning during term time and the decision made at the panel will be shared within 5 working days of this meeting with the school referrer and parent.

In instances when Section 19 is declined and or it is deemed that a short-term education offer is not appropriate this decision will also be communicated, with the reason and schools will be offered advise with supporting the child back into school. The main reasons for declining are:

1. There is a school place available, and it is deemed reasonable for the child to access this.
2. The child is attending school on a part-time basis and a reintegration plan is in place.
3. The child is receiving an offer of suitable education from the school
4. The medical evidence does not support the level of non-school attendance.
5. The parent is unwilling to engage with services to address the barriers to attendance, despite reasonable adjustments been offered by the school. In such instances an EWO will consider beginning an investigation into failure of the parent to ensure regular attendance at school.

Please note - Section 19 Provision does not include support in the school classroom, this would be the school's responsibility.



## **Section 19: alternative provision by reason of exclusion**

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority. Arranging alternative provision for permanently excluded pupils falls within the Section 19 duty; the Local Authority discharges this duty through its Alternative Provision Panel. For children excluded in KS3 and KS4, the panel will recommend one of the pupil referral units (PRU) as its provision, for children in KS1 and KS2 the panel will consider if the child could attend the primary PRU or needs another form of alternative provision.

For fixed period exclusions, known as suspensions, this responsibility falls to the school's governing board in accordance with s.100 Education and Inspections Act 2006 (as amended).

### **Alternative Provision Panel (APP)**

The alternative provision panel meets weekly during school term time to discuss, agree, and review all alternative provision arrangements in place for children across Staffordshire.

The panel's membership is made up of professionals from across children services and is chaired by a senior manager.

The panel will take account of the child's capacity to engage with education and will determine how much education to request through its commissioning process.

The panel has several different forms of provision alongside the school offer it can provide including use of:

- AV1 robot (<https://www.noisolation.com/uk>)
- Online learning
- Tuition providers
- Virtual classrooms (Year 10 and Year 11)



Schools must work closely with tuition providers, online providers, and virtual classroom tutors to support the child. Schools to receive regular updates so that they can K code when then the tutor has completed a session with the child. Schools cannot pre-code and if a child does not attend a session, then usual codes apply.

Maths and English is provided, and schools must ensure work for other subjects can be accessed by the student if they are well enough to complete this as well. Schools should be completing regular safe and well visits and also keeping the child attached to school by inviting to events or allowing them to watch assemblies, sports events etc. online from home. The AV1 is especially useful for his and allows children to speak with their friends and maintain their own social connections.

To support reintegration the panel may request that tuition takes place outside of the child's home, or on the school premises. The level of provision provided will be reviewed at regular intervals, so that any adjustments to the provision can be made.

The allocated EWO will inform the school referrer and parents, following the initial panel meeting to state what provision has been agreed and when it will be reviewed. A Team around the School / review meeting will need to be arranged prior to the next APP review date so the EWO will book this date in and explain when the agreed provision will start.

AV1 provision can start as soon as the AV1 is taken to the school by the EWO.

Other forms of tuition usually start three to four weeks after the APP decision as we are required to use a dynamic processing system to secure providers. It is important that the child receives support from the school in accessing education during this period so that they are not left without education. This is the school's responsibility to ensure that this is provided.

The panel may also disagree that there is a requirement to put Section 19 provision in place initially or that it is to be continued after the next review. This is a Staffordshire County Council decision but if additional information is provided, then the decision can be re-reviewed by the panel to assess if this changes their original decision.



## Funding

The guidance in 'Arranging education for children who cannot attend school because of health needs, December 2023' outlines how local authorities and schools can best support children who cannot attend school because of physical or mental health needs.

It states that:

- Local authorities must have regard to the guidance when carrying out their duty to arrange suitable education under section 19 of the Education Act 1996 for children who cannot attend school because of health needs.
- The child's home school (if they have one) should play an active role in ensuring the child receives a suitable education when too unwell to attend school and, where appropriate, support their re-integrated back into school once they are well enough.
- Alternative provision for children with medical needs is funded from local authorities' high needs budgets.
- Where a child remains on the role of their home school but requires a period of time in alternative provision due to their health needs, the local authority and home school may wish to consider the transfer of a portion of the school's funding associated with that child to the alternative provision. This would ensure that the funding follows the child. This arrangement would cease when the child is reintegrated back to their home school or are no longer on the role of the home school.

In respect of the above as detailed in the Schools Forum High Needs Block (HNB) report, 21st March 2024 (paragraph 15+16) schools were informed that the Local Authority will recoup the 'Age Weighted Pupil Unit' (AWPU) and Pupil Premium (PP) and/or HNB top-up funding, where applicable from 1/4/24 for any pupils where the Local Authority have directly commissioned alternative provision.

This will only apply where the alternative provision is commissioned by the county council directly and the pupil is on a school roll. Please note, the full cost of the alternative provision will not be recouped but only the AWPU, PP and HNB top-up funding applicable for the period

of the alternative education provision. This will then ensure that the education funding will follow the pupil, and the recoument will cease when the pupil is reintegrated back to school, and the alternative provision is no longer required.

To ensure that this is actioned effectively, the section 19 referral will request a relevant purchase order number/reference that we can quote when we charge your school budget. If this is not provided, we will use the pupil reference of LAAP (Local Authority Alternative Provision) and pupil's UPN which will be reference with each charge made. For example, reference will be LAAP-A860123400000.

The AV1 is currently a no cost offer

## **Reintegration**

When reintegration into school is anticipated, the EWO will work with the school, other professionals, and parents along with the hospital school / PRU / home tuition services, to support with a plan for consistent provision during the transitional period.

All schools should have an individually tailored reintegration plan for each child. This may have to include extra support to help fill any gaps arising from the child's absence. It may be appropriate to involve the school nurse at this stage as they may be able to offer valuable advice. The school nurse will also want to be aware that the child is returning to school, so that they can be prepared to offer any appropriate support. Under equalities legislation schools must consider whether they need to make any reasonable adjustments to provide suitable access for the child.

Where the absence is likely to be lengthy, the reintegration plan may only take shape nearer to the date of return, to avoid putting unsuitable pressure on an ill child in the initial stages of their absence. While most children will want to return to their previous school routine at once, some will need a very gradual reintegration over a longer period. There should still always be a plan of return and a maintained connection with the school even in the case of long-term illnesses.

## USEFUL LINKS

- Working Together to Improve School Attendance 2024  
[https://assets.publishing.service.gov.uk/media/66bf300da44f1c4c23e5bd1b/Working\\_together\\_to\\_improve\\_school\\_attendance\\_-\\_August\\_2024.pdf](https://assets.publishing.service.gov.uk/media/66bf300da44f1c4c23e5bd1b/Working_together_to_improve_school_attendance_-_August_2024.pdf)
- Providing Remote Education  
<https://www.gov.uk/government/publications/providing-remote-education-guidance-for-schools>
- Special educational needs and disability code of practice 2015  
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- Arranging education for children who cannot attend school because of health needs 2023 [Arranging education for children who cannot attend school because of health needs](#)
- Summary of responsibilities where a mental health issue is affecting attendance  
[https://assets.publishing.service.gov.uk/media/63ee20a3d3bf7f62e5f76ba4/Summary\\_of\\_responsibilities\\_where\\_a\\_mental\\_health\\_issue\\_is\\_affecting\\_attendance.pdf](https://assets.publishing.service.gov.uk/media/63ee20a3d3bf7f62e5f76ba4/Summary_of_responsibilities_where_a_mental_health_issue_is_affecting_attendance.pdf)
- Support for pupils where a mental health issue is affecting attendance: effective practice examples  
[https://assets.publishing.service.gov.uk/media/63dcfbffd3bf7f070ffc1e8d/Support\\_for\\_pupils\\_where\\_a\\_mental\\_health\\_issue\\_is\\_affecting\\_attendance\\_effective\\_practice\\_examples.pdf](https://assets.publishing.service.gov.uk/media/63dcfbffd3bf7f070ffc1e8d/Support_for_pupils_where_a_mental_health_issue_is_affecting_attendance_effective_practice_examples.pdf)
- Alternative Provision Dynamic Purchasing Scheme (AP DPS)  
<https://www.staffordshireconnects.info/kb5/staffordshire/directory/advice.page?id=H5P6bngURD4>
- No Isolation - AV1 <https://www.noisolation.com/uk>