

**Leicestershire County Council's  
Section 19 Education Act 1996 Policy and re-integration guidance for  
schools and academies**

## **1. Introduction**

1.1 Leicestershire County Council (LCC) follows national legislation and guidance when determining how and when to discharge its' duty under Section 19 Education Act 1996 (s19). "Each LA 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."

1.2 The Education Act 1996 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 LA to determine that a child will not receive a suitable education unless arrangements are made for them.

1.3 LCC 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 LA 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 to [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk) via the Pupils Missing in Education (PME) referral form.

1.4 LCC aims to provide clarity regarding roles and responsibilities of schools, parent/carers, the council and other agencies.

## **2. The DfE Attendance Guidance**

2.1 "Improving attendance is everyone's business". The barriers to accessing education are wide and complex, both within and beyond the school gates, and are often specific to individual pupils and families. The foundation of securing good attendance is that school is a calm, orderly, safe, and supportive environment where all pupils want to be and are keen and ready to learn".

2.2 "Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school". **Working together to improve school attendance.**

2.3 Where a child or young person has disengaged from learning or not attending, including for reasons related to their mental health and wellbeing, the Local Authority (LA) has a responsibility to ensure that reasonable adjustments and support are in place to address the underlying reasons before considering whether alternative provision is appropriate.

2.4 The **Out of School, Out of Sight Publication (2023)** states:” where a *child cannot go to school, the local authority must find out why*”.

### **3. Parents Responsibilities**

3.1 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.

3.2 As such, we would encourage parents/carers and schools to work together to create a plan for attendance that fits with the needs of the child. Families should work with schools to understand the barriers to their child’s attendance and, where appropriate, making reasonable adjustments to overcome those specific barriers. This is an effective way of building confidence and reducing anxiety for children and young people.

3.3 Parents/carers should engage with support offered by the school. They need to be aware of the importance of regular attendance and the emotional and mental wellbeing benefits of attending school for children and young people. LCC expects that parents and carers should feel confident to work with schools and feel reassured that the school has a plan for their child. Parents/carers should feel supported in their responsibility of ensuring their 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.

3.4 Where support offered is not engaged with, or where all other options have been exhausted or deemed inappropriate, schools should work with LCC’s Inclusion Service 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 LCC’s Attendance Team taking legal action.

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

## 4. School responsibilities

4.1 Section 100 of the Children and Families Act 2014 places a duty on governing bodies of settings to plan for supporting pupils with medical conditions. This encompasses any condition affecting a child's physical or mental health that requires support at school.

4.2 In meeting the duty, there must be regard to guidance issued by the Secretary of State under this section. Section 100 came into force on 1 September 2014.

4.3 The school's policy must clearly identify 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. School policies must ensure that arrangements are in place in schools to support pupils at school with medical conditions.
- c. When working to support children and young people 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.

4.4 Schools and Academies may refer a Leicestershire resident pupil of compulsory school age to the county council, where additional alternative provision 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. LCC 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, and its ultimate aim will be phased reintegration into school on a planned date. We expect this to take no longer than a term.

4.5 To request section 19 support, the school must submit a PME referral to [Inclusionpupilsupport@leics.gov.uk](mailto:Inclusionpupilsupport@leics.gov.uk) Please refer to paragraph 11.7 of the policy with regard to information required as part of s19 assessment.

4.6 The DFE Working Together to Improve School Attendance, 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.

## 5. Local Authorities responsibilities and legal framework

5.1. Section 19 of the Education Act 1996 mandates that LA's arrange suitable full-time education for children who cannot attend school.

5.2 Where a child cannot attend school because of, for example, a physical or mental health need, and cannot access suitable full-time education, the LA is responsible for arranging suitable alternative provision.

5.3 LCC has existing guidance documents and separate policies related to Section 19. Further details of these policies can be found in Appendix 1.

5.4 It is for a LA to determine that a child will not receive a suitable education unless arrangements are made for them.

5.5 Each LA must also consider its wider duties and responsibilities, including those in the SEND Code of Practice 2015 and DfE Attendance Guidance.

## **6. Scope**

6.1. This policy applies to all children of compulsory school age (5 -16) residing in the Leicestershire area, regardless of whether they are on the roll of a school and regardless of the type of school they attend. The legal duty does not apply to children and young people under and over compulsory school age.

6.2. It includes children who are:

- Permanently excluded from school.
- Unable to attend school due to illness.
- Experiencing other barriers to accessing full-time education (Otherwise)

6.3. The LA is responsible for:

- Identifying children who require alternative education.
- Arranging suitable full-time education from the sixth day of exclusion.
- Providing education for children unable to attend school due to health reasons.

6.4. For children with an Education Health and Care Plan (EHCP), the LA maintaining the EHCP is responsible for ensuring the provision includes Section 19 arrangements.

6.5 Securing alternative provision for children who are too ill to attend school falls within the Section 19 duty. The LA also has to consider the statutory guidance 'Education for children with health needs who cannot attend school'.

6.6 LCC's Medical Needs Policy outlines the support available within Leicestershire and our wider medical provision for children and young people with additional health needs. This includes details of when and how provision may be arranged if required, and the respective roles and responsibilities of the LA, schools, parent/carers, service providers and other agencies.

## **7. Section 19: - Permanent Exclusions**

7.1 If a pupil is considered to be at risk of exclusion, it is LCC's expectation that schools should consider support available to maintain a pupil's placement in school. Suspension or Permanent Exclusion should, therefore, be used as a last resort and only as a protective consequence, in response to serious or persistent breaches of a school's behaviour policy and when allowing the pupil to remain in school would seriously harm the education or welfare of the pupil and others in the school.

7.2 Advice and support for schools regarding appropriate strategies to maintain a pupil's placement at school is available through Oakfield Primary and Secondary School. (see Appendix1) .

7.3 For permanent exclusions, the LA 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 LA. 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).

## **8. Section 19: Children and young people with an Education Health and Care Plan and Education Other Than at School ("EOTAS")**

8.1 The Special Educational Needs and Disability ("SEND") Code of Practice sets out the presumption in law of mainstream education. "1.26 As part of its commitments under articles 7 and 24 of the United Nations Convention of the Rights of Persons with Disabilities, the UK Government is committed to inclusive education of disabled children and young people and the progressive removal of barriers to learning and participation in mainstream education. The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated and the Equality Act 2010 provides protection from discrimination for disabled people". SEND code of practice: 0 to 25 years – GOV.UK ([www.gov.uk](http://www.gov.uk))

8.2 Where a child or young person with SEND is experiencing a barrier to learning or participation, including around their mental health and wellbeing, the LA has a responsibility to ensure that reasonable adjustments and support are in place to overcome those barriers before putting alternative provision in place. However, section 61 of the Children and Families Act 2014 states: -

1. A LA in England may arrange for any special educational provision that it has decided is necessary for a child or young person for whom it is responsible to be made otherwise than in a school or post-16 institution or a place at which relevant early years education is provided.
2. An authority may do so only if satisfied that it would be inappropriate for the provision to be made in a school or post-16 institution or at such a place.
3. Before doing so, the authority must consult the child's parent or the young person.

8.3 Considering EOTAS forms part of the Section 19 duty, and the Council discharges this duty through Leicestershire's SEND Service. For further detail, consult the LCC EOTAS policy ( see Appendix 1)

8.4 For children with an EHCP who might require alternative provision, schools should consider the support available to them via SENA and where necessary consult with the child's SEN Case Officer. If it is clear that an alternative provision is required, then schools should call a review to enable professionals working with the family to come together. The review will look at the support required by the pupil to be able to successfully access education and provide recommendations for any adaptation their EHCP.

## **9. Section 19: Children Missing Education (CME)**

9.1 Children missing education (CME) are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and becoming NEET (not in education, employment or training) later in life.

9.2 LCC's Children Missing in Education Policy (see Appendix 1) sets out the county's responsibilities and procedures with regard to children identified as CME and should be read in conjunction with this policy.

## **10. Section 19: Elective Home Education (EHE)**

10.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents at home, rather than providing education for their children by sending them to school. This is different to home tuition provided by LCC.

10.2 Section 19 places on all local authorities the responsibility to identify any child not receiving a suitable full-time education, this includes children being electively home educated. LCC's EHE Policy sets out the respective rights and responsibilities for families and LCC as well as key procedural information. (See Appendix 1)

## **11. Section 19: Illness or Otherwise**

11.1 In Leicestershire providers and services believe in the importance of working together to overcome barriers to learning and attendance, to ensure children and young people can access their entitlement to go to their local school. We want all children and young people, regardless of their individual needs and circumstances, to be well supported, have their needs met, and be included in their local community.

11.2 Considering a request for alternative provision for "other reasons" is also part of the LA's duty under Section 19. As this often involves a parent/carer concern that their child's needs are not being met.

*“LAs must **not follow an inflexible policy of requiring medical evidence before making their decision** about alternative education. LAs must look at the evidence for each individual case, even when there is no medical evidence, and make their own decision about alternative education.” [Responsibilities where mental health issue is affecting attendance Feb 2023.](#)*

**11.3 “Otherwise” is a broad category which covers circumstances other than illness or exclusion in which it is not reasonably possible for a child to take advantage of any existing suitable schooling.** *In all cases, councils must consider the individual circumstances of each particular child and be able to demonstrate how they made their decisions. They must take account of all available evidence and record the reasons for their decisions. They may need to make decisions in cases where they do not have all the evidence they would like.”* Local Government and Social Care Ombudsman ‘Out of School, Out of Sight?’ 2022

11.4 In Leicestershire we have two pathways for children requiring a section 19 response under the category of “illness or otherwise” ensuring we adhere to the statutory guidance Arranging education for children who cannot attend school because of health needs (2023). In relation to this cohort of children LCC adopts an agile response to understanding needs and reaching a decision point as required by DfE guidance.

11.5 **Pathway 1** is applied for those that meet the eligibility criteria under **LCC’s Medical Needs policy** (see Appendix 1). **Pathway 2** is for those children whose needs don’t meet the medical needs criteria. For details relating to the criteria for medical needs please refer to LCC’s Children with Medical Needs Policy.

11.6 If a parent has raised concerns with LCC that their child is not accessing a suitable full-time education for reasons relating to illness or otherwise, LCC will firstly direct the parent to discuss their concerns with their child’s school. The provision required for a child who is unable to attend school is for the LA to decide after considering medical advice and information provided by parents and schools. However, the LA is reliant on the school making a request to the Inclusion service 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.

11.7 If the school is unable to resolve the parent’s concerns with regard to their child accessing a suitable education, the school will be required to inform LCC via the **PME referral** providing: -

- a detailed chronology of actions taken by the school with regard to meeting the child’s educational needs (graduated approach),
- summary of reasonable adjustments,
- their attendance history (record with codes),
- individual health care plan (where relevant).
- attainment and SEND information where applicable.
- parent’s voice, child’s voice and the views of the school.
- safeguarding considerations/plan.
- School’s offer and proposed reintegration plan.

11.8 If a school is unauthorising an absence and/or believes that the legal attendance route might be needed, that school should approach their named LCC Attendance Caseworker for a discussion **before** completing the PME referral form and consider whether a referral to the Attendance Team should be made as an alternative.

11.9 As part of the process LCC will consider the individual circumstances of the child including how the school has provided support through a graduated response and what reasonable adjustments have been put in place to support the child to attend school. LCC will also consider any medical evidence or advice when deciding what arrangements are required to fulfil a suitable education.

11.10 'Otherwise' (as opposed to illness or exclusion) is intended to cover other situations in which it is not reasonably possible or practical for a child to access and take advantage of any existing suitable schooling. LCC will only provide education under the 'Otherwise' category if it assesses that it is not possible for a child to receive a suitable education at their current school. In these circumstances it is expected that the school would have support through a graduated response and that initial assessments will have taken place.

11.11 It is important that where the school has made a referral using the PME referral form that LCC, the school and family work together through processes described below and in the best interests of the child. Failure of any one partner to engage fully could add delay to a decision being reached by LCC.

11.12 The school will retain safeguarding and school census responsibilities for all Children for whom the LA arranges Alternative Education Provision as the sole or (main) dual registered provision. This includes exam entry responsibilities that fall under the remit of its Examinations Officer

11.13 Where a child has been identified as not receiving a suitable education via some other agency or body **other** than a parent or school, the LA will take steps to assess whether there is a duty to provide a suitable education, utilising the same assessment process at Section 12 (below) as they would use for a child who has been referred to the LA by a school.

## **12. Section 19 Assessment**

12.1 The LA is responsible for assessing the unmet needs of the child that determines the requirement for Alternative Provision (AP). In deciding what provision should be put in place, the LA will consider the child's needs based upon appropriate assessments and any evidence provided by the school, other professionals and the family.

12.2 LCC expects that the graduated pathway has been utilised for any child being referred for s19 provision. Details of graduated approach will need to be submitted as part of the referral process. The information provided is key to informing LCC's decision about what an appropriate S19 offer should contain. Detailed Information is key to informing LCC's decision about what an appropriate s19 offer should contain.

12.3 The PME referral form and accompanying documents will provide LCC with relevant and essential information to be able to assess the need for s19 provision. Where there is insufficient information, the referrer may be asked to re-submit a more detailed referral. This supports the principle that quality information leads to a quality, child centred decision.

12.4 The assessment undertaken by LCC will consider the following:

**Is the child of compulsory school age and resident in Leicestershire?**

**What are the individual circumstances of the absence.** For example, what is the reason for the absence? Have the absences been authorised? What coding has been used?

**What medical evidence / information** is available? We would expect to see details of a health professional's plan / details of their involvement and a copy (where relevant) of the child's individual health and care plan.

**What is School's Offer** to the child including a graduated response, reasonable adjustments, supporting the child back into school, how the school maintain contact with the child, ensuring that they are still connected with school and feel part of the school community.

**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.

**Would the child receive suitable education without LCC arranging alternative provision?**

**Is it reasonably possible or reasonably practicable for a child to attend school?** - This is an objective test and is to be assessed by LCC

**What alternative educational provision is suitable, reasonably possible, and reasonably practicable for a child to access?** -This is a factual question for the LA to determine and will depend on the specific facts of the case.

**If the child is a child with SEND, will the child not receive suitable education unless such alternative education arrangements are made for them?** This is fact specific; the focus is on whether the child's education offer is suitable and reasonably practicable for a child to access. This is an objective assessment, and the views of the parents are not determinative.

**Is the child unable to attend school but able to learn?**

**What is their suitability for independent learning and what are the home circumstances?**

**What are the child's needs? Age, ability, aptitude, and any special educational needs. What do these suggest a suitable and efficient education needs to involve?**

**What is the plan for reintegrating back into school?** Alternative Education Provision should be seen as an intervention for the shortest possible period of time and not as a destination for the child.

**Would remote education adversely affect the child's return to school?**

**Would children with long-term medical conditions or any other physical or mental health needs affecting attendance require additional support to continue their education?**

12.5 LCC will record discussions and assessments undertaken by partners responsible for S19 provision decisions on the Child's education record and will inform the referrer and parent of the outcome in writing.

12.6 The outcome will be one of the following: -

1. Section 19 agreed – Inclusion Service will request and put in place a short-term offer to support the school offer

2. Section 19 declined – Inclusion Service 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). Inclusion Service to also inform other agencies so they can support with this.

3. Further information is required to assess for Section 19.

12.7 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 advice with supporting the child back into school. The main reasons for declining are:

- There is a school place available, and it is deemed reasonable for the child to access this.
- The child is attending school on a part-time basis, and a reintegration plan is in place.
- The child is receiving an offer of suitable education from the school
- The medical evidence does not support the level of non-school attendance.
- The parent is unwilling to engage with services to address the barriers to attendance, despite reasonable adjustments been offered by the school. This can lead to consideration of legal intervention by the Attendance team

12.8 Should a child's needs/ circumstances change following a decision that agrees the need to arrange AP or the decision not to provide AP, the school can supply further evidence and request that position is reconsidered in light of further evidence by contacting LCC via the PME referral form prior to the review paperwork being issued. Requests will be fully considered based on the information the school provides; however, this will not automatically result in amended provision being made available.

## **13. Reintegration**

13.1 When reintegration into school is anticipated, the Inclusion Service will work with the school, other professionals, and parents along with the hospital school/home tuition services, to support with a plan for consistent provision during the transitional period. The Inclusion Service is able to provide further support to a child via their Education Officers, Graduated Response Inclusion Practitioners and Youth Workers. Consideration can also be given to the use of the AV1 robot if suitable. The AV1 robot is especially useful for allowing children to stay connected to their school and to maintain social connections.

13.2 The child's school 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-integration back into school once they are well enough.

13.3 Schools must work closely with tuition providers, online providers, and virtual classroom tutors to support the child. Schools will receive regular updates so that they can K code (LA arranged provision) 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.

13.4 All schools should have an individually tailored reintegration plan for each child not in school. This may have to include extra support to help fill any gaps arising from the child's absence. Under equalities legislation, schools must consider whether they need to make any reasonable adjustments to provide suitable access for the child.

13.5 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.

## **14. Funding**

Alternative provision for pupils with medical needs is funded from the High Needs Block. Where LCC directly commissions alternative provision while a pupil remains on roll, a proportion of the school's funding (including AWPU) will be recouped so that funding follows the pupil. Recoupment will align with the Medical Needs Policy (see Appendix 1) and will cease once the pupil is fully reintegrated or returns to school-delivered provision.

## **15. Implementation**

15.1. The LA will:

- Work with schools, parents, and health professionals to identify children in need.

- Ensure education is provided in a timely manner.
- Monitor the quality and suitability of the education provided.

15.2. Education may be provided through:

- Tuition Providers.
- Online learning platforms.
- AV1 robot
- Alternative provision settings.

## **16. Review and Monitoring**

16.1. This policy will be reviewed annually to ensure it remains effective and compliant with current legislation.

16.2. The policy clearly sets out that all provision under Section 19 will be regularly reviewed at agreed intervals (typically every 6-8 weeks) to evaluate suitability, attendance and progress and to adjust provision and reintegration plans. LCC will work with all parties to consider the appropriateness of the child returning to their school as soon as possible wherever possible, with the child's best interests being at the heart of all decision making.

## **17. Complaints**

17.1. Complaints regarding the provision of education under this policy should be directed to Leicestershire's SEN department where the child has an EHCP or LCC's Inclusion Service where the child does not have an EHCP.

### **USEFUL LINKS**

[Working Together to Improve School Attendance 2024](#)

[Providing Remote Education: guidance for schools](#)

[Special educational needs and disability code of practice 2015](#)

[Arranging education for children who cannot attend school because of health needs December 2023](#)

[Summary of responsibilities where a mental health issue is affecting attendance – February 2023](#)

[Support for pupils where a mental health issue is affecting attendance: effective practice examples](#)

[Keeping Children Safe in Education 2025](#)

[Out of School, Out of Sight – Ensuring children out of school get a good education](#)

No Isolation – AV1

**Appendix 1**

Leicestershire County Council's Child Missing in Education Policy.

Leicestershire County Council's Elective Home Education Policy.

Leicestershire County Council's Children with Medical Needs Policy

Leicestershire County Council's Recoupment policy for children with medical needs

Leicestershire County Council's Fair Access Protocol.

Oakfield Primary and Secondary (link to be provided)

Leicestershire County Council's EOTAS Policy (link to be provided)