

# **Access to Education for Children Unable to Attend School Due to Illness, Exclusion or Otherwise**

## **Isle of Wight Council Policy**

Document reviewed: December 2025

# Contents

1. Introduction .....	3
2. Legal framework .....	3
3. Scope .....	4
4. Responsibilities of Schools .....	5
5. Role of the Local Authority .....	6
6. Reintegration and Transition Planning .....	7
7. Children with an Education, Health and Care Plan (Education, Health and Care Plan (EHCP)) or a social worker .....	7
8. Funding and Resources .....	8
9. Children Permanently Excluded from School .....	8
10. Monitoring and Review.....	10
11. Complaints and Dispute Resolution.....	10

## **1. Introduction**

1.1 The Isle of Wight Council is committed to ensuring that all children of compulsory school age (5-16 years) who are unable to attend school, on statutory grounds, receive suitable education. This policy outlines how the Council fulfils its statutory duty under Section 19 of the Education Act 1996.

1.2 Section 19 of the Education Act 1996 applies when a child 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.

1.3 'Otherwise' in this context means circumstances in which it is not reasonably possible for a child to take advantage of any existing schooling. As set out at paragraphs 5.4 and 5.5 below, the local authority Panel will consider the evidence in each case to determine whether it considers that this threshold is met.

1.4 The Council believes that every child should have access to high-quality education, regardless of their health status or otherwise. The aim is to minimise disruption to learning, support academic progress, and facilitate reintegration into school as soon as the child's health permits. Education provided under this policy will be tailored to the child's age, ability, aptitude, and any special educational needs.

1.5 Provision may be full-time or part-time, depending on what is deemed appropriate for the child's physical or mental health. The local authority is responsible for deciding whether education provision for a child unable to attend school due on statutory grounds should be full-time or part-time, based on the child's physical or mental health needs. Advice and guidance may be sought from other professionals, including health professionals, when determining this.

1.6 The Council is committed to a recovery-focused model that promotes inclusion and collaboration between schools, families, health professionals, and other agencies.

## **2. Legal Framework**

2.1 The Council's responsibilities are governed by the following legislation and statutory guidance:

- Section 19 of the Education Act 1996
- Section 100 of the Children and Families Act 2014
- Equality Act 2010
- Special Educational Needs and Disabilities (SEND) Code of Practice (2015)
- Supporting Pupils at School with Medical Conditions (Department for Education (DfE), 2015)
- Arranging Education for Children Who Cannot Attend School Because of Health Needs (Department for Education (DfE), 2023)
- Working Together to Improve School Attendance (Department for Education (DfE), 2024)

### **3. Scope**

3.1 This policy applies to children of statutory school age (5-16 years). The legal duty does not apply to children and young people under and over compulsory school age. Support for these children may be sought in other ways including through Early Help.

3.2 This duty applies to children who permanently reside on the Isle of Wight and who would normally attend a mainstream or special school, including academies, free schools, and independent schools. It also applies to children who are not currently on roll at any school. If a child moves out of the county the Local Authority ceases to have responsibility and will advise the new Local Authority (where known) that the child had been supported under Section 19. All other school processes for a child moving should be followed as normal.

3.5 The policy does not apply to children who are Electively Home Educated (EHE). Children who are electively home educated are not covered under this policy as their parents have chosen to take full responsibility for their education. Section 19 applies only where the local authority has a duty to arrange education due to a child's inability to attend school on statutory grounds. In EHE cases, the local authority does not have this duty unless there is evidence that the education being provided is unsuitable. If this is the case a child would need to go onto the roll of a school and referral made for support under Section 19.

3.6 For children enrolled in post-16 provision, the responsibility for educational support lies with the setting.

3.7 Children permanently excluded from school are covered under Section 19 but follow a separate process outlined in Section 9

## **4. Responsibilities of Schools**

4.1 Schools should always continue to provide education to children with health needs who can attend school where possible. Schools can also manage longer-term absences through providing work to be completed at home, remote or online learning packages etc. The local authority does not need to become involved in such arrangements unless it is informed or has reason to believe that the education being provided by the school is unsuitable or unsustainable. Section 100 of the Children and Families Act 2014 places a duty on governing bodies (for maintained schools), the proprietor (for academies) and the management committee (for pupil referral units), to make arrangements for supporting pupils at the school with medical conditions.

4.2 Schools must develop and implement Individual Healthcare Plans in partnership with parents, health professionals, and the child. They are expected to make reasonable adjustments to enable attendance, including flexible timetables, remote learning, or alternative arrangements. Schools must monitor attendance and identify when a child's health prevents full participation in education.

4.3 If a child is absent due to illness for fifteen days or more in an academic year, whether consecutive or cumulative, the school must notify the local authority using the designated 15-day Microsoft Form process. If the school feel that they cannot provide education due to health needs then they should refer this to the local authority, without delay, using the designated Section 19 Request Microsoft Form process.

4.4 When making a referral for support under Section 19, schools must demonstrate that they have taken all reasonable steps to support the child's education. This includes documenting the adjustments made and the outcomes of those actions. They must also obtain the views of the child and their family.

4.5 If the local authority has reason to believe that a child is not being provided with a suitable or sustainable education by the school that they are on roll at, including following a parental request for support under Section 19, the school may be requested to provide evidence of the plan for education.

4.6 When a child is receiving education through provision arranged under Section 19, the child's school remains responsible for safeguarding, collaborating with the local authority and other professionals, supporting reintegration planning, and continuing to monitor the child's progress and wellbeing. The school should also provide relevant curriculum resources and ensure reasonable adjustments

are considered, even during periods of absence, to support continuity and inclusion.

4.7 The school must maintain the pupil on roll unless one of the Regulation 9 reasons to de-register the child is met.

## **5. Role of the Local Authority**

5.1 The Isle of Wight Council has a named officer responsible for overseeing education for children falling within the scope of Section 19 Education Act 1996. The current Lead Officer is the Inclusion Manager, Rachael Williams.

5.2 When a school is unable to provide suitable education for a child due to illness or otherwise, and has referred this to the local authority, the referral will be reviewed to determine whether the criteria under Section 19 are met by a multi-agency panel.

5.4 This multi-agency panel meets at least monthly and includes representatives from education, health, social care, and voluntary agencies. The panel is chaired by the Lead Officer or a designated delegate. The Isle of Wight Council retains overall responsibility for decisions made by the panel.

5.5 The panel reviews referrals to confirm that the school has fulfilled its duties under Section 100 and that the child's circumstances trigger the Council's duty under Section 19, this includes that absences are authorised. The panel will consider the views of the child and family and any medical evidence available to them.

5.6 A tailored support package is then developed, with the primary aim of reintegrating the child into full-time education at their enrolled school. A planning meeting will be convened if needed to agree on implementation steps and responsibilities.

5.7 Support packages are communicated in writing to the school, the child and their family, and relevant professionals.

5.8 When the local authority arranges education under Section 19 for illness or otherwise, schools are expected to work collaboratively to support the child's learning and reintegration. Schools cannot refuse or obstruct these arrangements, as doing so may breach their duties under Section 100 of the Children and Families Act 2014 and relevant DfE guidance. If a school does not

cooperate, the local authority will continue to fulfil its duty by providing education through alternative means and will escalate concerns to the governing body or academy trust as appropriate.

5.9 While the views of parents and carers will always be considered and efforts made to agree on a collaborative plan, this duty is not dependent on parental consent. If parents do not agree with the proposed provision, the local authority will continue to provide education that it considers suitable, based on professional advice and the child's needs.

5.10 DFE guidance recommends that although there is no statutory timeframe, the Council should attempt to arrange alternative provision as soon as it is clear that the child will be away from school for more than 15 school days and that this alternative education should be in place from the sixth day of absence. The Council will act promptly upon notification and agreement the criteria has been met.

## **6. Reintegration and Transition Planning**

6.1 Support packages are reviewed at least half-termly by the Isle of Wight Council, or delegate, and should include input from both the provider and the school on which the child is on roll at. Reviews may occur sooner if there is a significant change in the child's health or educational needs.

6.2 When a child is ready to return to their school following a period of education arranged under Section 19, a carefully planned and collaborative reintegration process must be undertaken. This involves the school, the local authority, the child and their family, and any relevant professionals working together to develop a reintegration plan that is tailored to the child's needs. The plan should consider a gradual increase in attendance, reasonable adjustments, and ongoing support to ensure a smooth and successful transition.

## **7. Children with an Education, Health and Care Plan (Education, Health and Care Plan (EHCP)) or a social worker**

7.1 Children with an Education, Health and Care Plan (EHCP) who are unable to attend school due to illness are entitled to receive education that meets the provisions outlined in their plan. The Council recognises its duty to ensure that any alternative provision arranged under Section 19 continues to support the outcomes specified in the Education, Health and Care Plan (EHCP). However, it

is acknowledged that during periods of illness, it may not be appropriate or feasible to deliver all aspects of the Education, Health and Care Plan (EHCP). Provision must be suitable for the child's current health needs, and adjustments may be necessary to ensure that the educational support remains appropriate and manageable.

7.2 When reviewing referrals, the multi-agency Section 19 Panel will consider the child's Education, Health and Care Plan (EHCP) and consult with the Special Educational Needs and Disabilities (SEND) team to ensure that the educational support provided is consistent with the child's identified needs and current health status. Any changes to provision must be agreed in consultation with the child, their family, the school, and relevant professionals, and may require an interim review of the Education, Health and Care Plan (EHCP).

7.3 Schools must ensure that reasonable adjustments and support outlined in the Education, Health and Care Plan (EHCP) are maintained as far as possible during periods of illness-related absence. The Council will work collaboratively with schools and health services to ensure continuity of support and to facilitate reintegration into the child's usual educational setting when appropriate.

7.4 If a child is cared for by the local authority or has a social worker the social worker and/or the virtual school will be consulted with when agreeing provision.

## **8. Funding and Resources**

8.1 Education provided under Section 19 is funded through the high needs budget. Part of the school's funding may be transferred to the alternative provision. This arrangement ends when the child returns to school or is no longer enrolled there.

## **9. Children Permanently Excluded from School**

9.1 Children who have been permanently excluded from school fall under the local authority's duty to arrange suitable education under Section 19 of the Education Act 1996. However, these cases follow a separate statutory process and do not require referral to the Section 19 Panel.

9.2 The local authority must ensure that full-time education is provided from the sixth school day following the permanent exclusion. This provision will usually be arranged through a Pupil Referral Unit (PRU) (secondary only) or other

commissioned alternative provision. The aim is to provide continuity of education and support reintegration into a suitable long-term placement.

#### 9.3 Responsibilities of the excluding school:

- Provide work for the child for the first five school days following exclusion.
- Share relevant information with the local authority and the receiving provision, including safeguarding details, academic records, and any special educational needs.

#### 9.4 Responsibilities of the local authority:

- Arrange suitable full-time education from day six of the exclusion.
- However, if full-time provision is not immediately possible due to exceptional circumstances (e.g., availability of suitable provision or the child's health needs), the local authority must:
  - Arrange as much education as possible without delay.
  - Clearly record the reasons for part-time provision and the steps being taken to secure full-time education.
  - Review the arrangement regularly, with the expectation that full-time provision will be in place as soon as practicable.
- Ensure provision meets the child's age, ability, aptitude, and any special educational needs.
- Work with parents/carers to identify an appropriate long-term educational placement.
- Monitor the quality and suitability of the provision and review progress regularly.

#### 9.5 Children with an Education, Health and Care Plan (EHCP) or a social worker:

- The SEND team and/or social worker must be involved in planning and reviewing provision.
- Any changes to placement may require an interim review of the EHCP.

9.6 Education for permanently excluded children is funded through the high needs budget. The excluding school may be charged in accordance with local funding arrangements

## **10. Monitoring and Review**

10.1 The Council will monitor the effectiveness of this policy using measurable indicators, such as:

- Average time taken from referral to provision being in place.
- Percentage of children receiving suitable education within six school days of meeting criteria.
- Rate of successful reintegration into school within agreed timescales.
- Feedback from children, families, and schools on the quality of provision.

10.2 An annual report will be produced for the Education and Inclusion Service, summarising performance against indicators. Findings will be shared with the multi-agency panel and senior leadership to identify trends and areas for improvement.

10.3 Reviews of the policy will include stakeholder consultation and analysis of complaints and disputes to inform updates. Lessons learned will be incorporated into training for schools and staff.

## **11. Complaints and Dispute Resolution**

11.1 The Council is committed to resolving concerns collaboratively. If informal resolution is not possible, complaints regarding the implementation of this policy can be made through the Isle of Wight Council's complaints procedure. Families may also seek independent advice or mediation services.