

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

Section 19 and Reintegration
Guidance for Schools and Academies

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1. Policy context and scope

1.1 Introduction and overview

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

1.1.2 The Department for Education (DfE) Alternative Provision Statutory Guidance states: 'The term 'suitable education' is defined as efficient education suitable to the child's age, ability, and aptitude, and to any special educational needs he or she may have. The education to be arranged by the LA should be on a full-time basis, unless, in the interests of the child, part-time education is more suitable. This would be for reasons relating to the child's physical or mental health.' (Education Act 1996 paraphrased by the Local Government Ombudsman).

1.1.3 It is the local authority's (LA) responsibility to determine whether a child will receive suitable education unless arrangements are already made for them, and to decide what this provision should be. The local authority must also consider wider duties, including those in the SEND Code of Practice (2015), the Equality Act 2010, and Working Together to Improve School Attendance (2024).

1.4.3 The Local Government & Social Care Ombudsman guidance (October 2025) advises councils to request medical or other evidence at the earliest opportunity, review school attempts to support the child, and provide a clear written record of decisions on whether Section 19 applies, including reasons and complaints routes.

1.4.4 DfE statutory guidance (2023) which underpins this policy states: schools should manage health needs where possible, so the child continues to be educated in school or remotely for a brief period. When it is clear the home school can no longer provide suitable education, a Section 19 referral should be submitted.

1.2 Compulsory school age – definition

1.2.1 In England and Wales, under Section 8 of the Education Act 1996, compulsory school age begins on the start date of the term following a child's fifth birthday (or on that day if the fifth birthday is the first day of term) and ends on the last Friday in June in the school year in which they turn 16. If they turn 16 after that date but before the next school year, they cease to be of compulsory school age at the end of that school year.

1.3 Children with an Education, Health and Care (EHC) Plan – responsibilities

1.3.1 The LA responsible for maintaining the EHC plan is responsible for maintaining provision, including Section 19 provision. The plan must be reviewed when assessing for Section 19.

1.3.2 Even if a school in another local authority is named in the EHCP, the LA responsible for maintaining the plan retains the Section 19 duty.

1.3.3 For a child in care to Staffordshire, where another LA maintains the EHC plan, that maintaining authority is responsible for securing suitable Section 19 provision, making best and effective use of resource.

1.3.4 If a child is in care to another local authority but Staffordshire maintains the EHC plan, Staffordshire will arrange and secure suitable Section 19 provision, funded by the LA responsible for the plan's provision funding.

1.4 Children without an EHC Plan – responsibilities

1.4.1 The LA where a child resides is responsible for the Section 19 assessment.

1.4.2 If the child resides between different addresses in different LA areas, the decision is based on where child benefit is paid. If not eligible for child benefit, the LA where the child spends most time holds the Section 19 responsibility.

1.5 Requests and referrals

1.5.1 All Section 19 requests from Staffordshire schools must be made through Staffordshire Learning Net (SLN)

<https://www.staffordshire.gov.uk/account/Login.aspx>

Each school has two login accounts, one for the head and one for the office. If you need to reset your password or ask for your school's login details you can email SLNpasswords@staffordshire.gov.uk Once you have your account details and password, these are the following steps: 1. Login in 2. Select pupil support 3. Select attendance support.

This will take you to the referral page. (See 2.3 for what is required to be submitted with the referral.)

1.5.2 Non-Staffordshire schools, or other referrers, for Staffordshire resident children who do not have access to the SLN, should email educationcoreoffer@staffordshire.gov.uk for guidance on making a request.

1.6 Parental responsibilities

1.6.1 Parents/carers have a duty under Section 7 of the Education Act 1996 to ensure that their child of compulsory school age receives an efficient full-time education either by attendance at school or otherwise.

1.6.2 Parents/carers should work openly with schools to create attendance plans that fit the child's needs, engaging with support and reasonable adjustments to overcome barriers.

1.6.3 Parents/carers should engage with support offered, recognise the benefits of regular attendance for mental and emotional wellbeing, and feel reassured by having a clear plan for their child's attendance.

1.6.4 If school interventions have been engaged with and the child remains unable to attend; schools may request a Section 19 assessment.

1.6.5 If alternative provision is agreed, parents remain responsible under Section 7 to ensure attendance at the provision. If tuition takes place at home, the child must be ready for education when the tutor arrives and supervised appropriately.

1.6.6 Failure to ensure attendance at agreed sessions (including unauthorised leave in term time) may result in legal action by the Education Welfare Officer (EWO). If parents wish to request leave during term time, they should follow the process outlined by the school the child is registered at. If they are not registered at a school, they must make a request to the LA officer acting as their point of contact.

1.6.7 Parents should provide updated medical advice and evidence when possible; where ongoing medical opinion is necessary, a reasonable period will be allowed to obtain it.



2. School responsibilities and evidence for Section 19

2.1 Statutory duty to support pupils with medical conditions

2.1.1 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 PRUs to plan for supporting pupils with medical conditions.

2.1.2 In meeting the duty, they must have regard to guidance issued by the Secretary of State under this section (in force since 1 September 2014).

2.1.3 School policies should clearly identify roles and responsibilities of all those involved in arrangements to support pupils with medical conditions.

2.1.4 Where possible, the child's health needs should be managed by the home school so that they can continue to be educated there with support, without the need for LA intervention.

2.2 Key points

2.2.1 Pupils with medical conditions should be properly supported to have full access to education, including trips and physical education.

2.2.2 School leaders should consult health and social care professionals, pupils, and parents/carers to ensure needs are effectively supported.

2.3 Referral threshold and evidence schools must provide

2.3.1 Eligibility threshold: the student must have 15 or more days coded 'I' (illness) in the current school year; these do not have to be consecutive.

2.3.2 Schools must provide:

- (a) An individual health and care plan
- (b) Any medical information held
- (c) A signed registration certificate showing 30 'I' codes (minimum 15 days)
- (d) Details of the previous school offer and parental engagement
- (e) All educational assessments undertaken (current year)
- (f) Evidence of use of SEND notional budget or EHCP funding to support the child
- (g) Dates for keep-in-touch visits and safeguarding meetings

(h) A clear reintegration plan

(i) Name of the school's designated lead for the child.

2.4 Ongoing school responsibilities during assessment and provision

2.4.1 While the LA arranges suitable education under Section 19, schools retain responsibility to provide work and support during shorter absences or while awaiting LA arrangements which may take four weeks or more to put in place.

2.4.2 Schools are expected to lead on support, reintegration planning, and regular review meetings throughout the period of absence and assessment.

2.4.3 Staffordshire County Council cannot be responsible for providing provision until it has been determined that it has a duty to do so, following assessment.

2.4.4 From 19 August 2024, DfE guidance on deregistration was updated: schools cannot remove a pupil from roll due to health reasons when unable to attend.

2.4.5 A review of all children with 15 days of 'I' codes will be undertaken at each Targeted Support Meeting with the named Education Welfare Officer (EWO).



3. Local authority assessment, alternative provision, and reintegration

3.1 Section 19 duties – illness or otherwise

3.1.1 Children with additional health needs are at risk of underachieving, particularly when health needs prevent regular attendance.

3.1.2 What provision is required for a child too ill to attend school is for the LA to decide after considering medical advice and information from parents and schools.

3.1.3 Section 19 includes 'otherwise' to cover non-health situations requiring LA arrangements (e.g., bail conditions making school inaccessible).

3.2 Process for children with an EHCP


3.2.1 On receipt of a request, an EWO will work with the child's SEND Keyworker (KW) and consider whether

- (a) Whether an annual review is required
- (b) Whether the school can meet needs within the EHCP
- (c) Whether LA and parent believe the school can meet needs
- (d) Whether the school requires additional support
- (e) How the school has used EHCP provision to support the child.

3.2.2 The EWO will gather information from school and professionals (as per 3.3) and add the SEND KW's input. The EWO will update the school with the decision and hand over to the SEND KW for ongoing support.

3.3 Process for children without an EHCP

3.3.1 Upon request, an EWO investigates and assesses:

- (a) Individual circumstances of absence (reasons, authorisation, codes used)
 - (b) Medical evidence/information (health professional plans and the child's individual health and care plan)
 - (c) Reasons for involvement and views of all professionals
 - (d) The school offer (reasonable adjustments, maintaining connection to school community)
 - (e) Parental/child cooperation and engagement with support.
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3.3.2 Section 19 requires cooperation from parents, including working with all professionals to return the child to school as soon as possible.

3.3.3 The EWO submits the Section 19 assessment to the Education Welfare Lead (or Deputy Head of Attendance and Inclusion) to confirm completeness and refer to the Alternative Provision Panel (APP) where appropriate.

3.3.4 Decision outcomes:

(a) Assessment complete – refer to APP to agree if Section 19 applies and if LA can offer provision

(b) Assessment not complete – gather additional information and resubmit if the child has not returned and the school cannot make an offer.

3.3.5 APP meets weekly; decisions are shared within 5 working days with the school referrer and parent. If Section 19 is agreed, an initial provision decision is made based on assessment information.

3.3.6 If Section 19 is declined, reasons and advice are provided to support return to school.

Common reasons include: (a) An available school place with reasonable access; (b) Part-time attendance with a reintegration plan; (c) Suitable education already offered by the school; (d) Evidence does not support level of non-attendance; (e) Parent unwilling to engage despite reasonable adjustments (may trigger legal investigation); (f) School could offer further support prior to re-referral.

3.3.7 Note: Where assessment determines no requirement for LA provision under Section 19, the decision is final. Only where needs change or new evidence is provided will Staffordshire undertake a re-assessment (initiated by submission of a new Section 19 request by the home school). Section 19 provision does not include support in the school classroom – this remains the school's responsibility.

3.4 Section 19 – alternative provision by reason of exclusion

3.4.1 For permanent exclusions, the LA must arrange suitable full-time education to begin no later than the sixth school day of the exclusion (home authority applies where the school is maintained by/located in a different LA).

3.4.2 Arranging AP for permanently excluded pupils falls within Section 19; Staffordshire discharges this duty through the APP.

3.4.3 For KS3/KS4, APP will recommend a PRU if available or alternative provision if not; for KS1/KS2, APP will consider primary PRU or other forms of AP.

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

3.5 Alternative Provision Panel (APP) – operation and commissioning

3.5.1 The APP meets weekly during term time to discuss, agree, and review all AP arrangements across Staffordshire. Membership comprises professionals across children's services and is chaired by a senior manager.

3.5.2 The panel considers the child's capacity to engage with education and determines the quantity of education through commissioning.

3.5.3 Forms of provision available alongside the school offer include:

(a) AV1 robot; (b) Online learning; (c) Tuition providers; (d) Virtual classrooms (Year 10/11).

3.5.4 Schools must work closely with tuition, online providers, and virtual classroom tutors to support the child. Schools should receive regular updates to apply 'K' codes when sessions are completed; schools cannot pre-code and usual codes apply if a child does not attend a session.

3.5.5 Mathematics and English are provided by the LA; schools must ensure access to other subject work where the child is well enough to complete it.

3.5.6 Schools must complete regular safe-and-well visits and keep the child connected to school (e.g., inviting to events or enabling online viewing of assemblies/sports). AV1 is useful for maintaining social connections.

3.5.7 To support reintegration, the panel may request tuition outside the home or on school premises. Provision levels are reviewed regularly to adjust as needed.

3.5.8 The allocated EWO informs the school referrer and parents following the initial panel meeting, stating agreed provision and review dates. A Team Around the School/review meeting must be arranged by the school prior to the next APP review.

3.5.9 Start times: AV1 provision can start as soon as the AV1 is at school. Other tuition typically starts 3–4 weeks after the APP decision due to

dynamic purchasing processes. Schools must support access to education during this period.

3.5.10 The panel may disagree that Section 19 provision is initially required or should continue after review. Decisions can be re-reviewed where additional information is provided.

3.6 Funding and reintegration

3.6.1 DfE guidance (December 2023) outlines how LAs and schools support children unable to attend due to health needs. LAs must have regard to the guidance, and home schools should play an active role and support reintegration when appropriate.

3.6.2 Alternative provision for children with medical needs is funded from LAs' high need's budget. Where a child remains on roll but requires AP due to health needs, LA and school may consider transferring a portion of the school's funding associated with the child to the AP provider, ceasing when reintegrated or removed from roll.

3.6.3 Staffordshire has consulted with schools and agreed a recoupment formula. For each child, the headteacher must indicate: (a) Will pay the agreed recouped cost; (b) Declines to pay; (c) Requests a discussion about expected cost.

3.6.4 Reintegration planning: when reintegration is anticipated, the school works with the child, EWO, other professionals, and parents, along with the hospital school/PRU/home tuition services, to ensure consistent provision during transition.

3.6.5 Each child should have an individually tailored reintegration plan, potentially including support to fill gaps arising from absence. Involve the school nurse where appropriate and consider reasonable adjustments under equalities legislation.

3.6.6 For lengthy absences, reintegration plans may take shape closer to the return date to avoid undue pressure. Some children may require gradual reintegration over a longer period; there should always be a plan of return and a maintained connection with school even for long-term illnesses.



Appendix A – Useful links

A.1 Working Together to Improve School Attendance (2024):

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

A.2 Local Government & Social Care – Supporting children out of school (Guide for Practitioners, Oct 2025):

<https://article39.org.uk/2025/11/28/november-2025-supporting-children-out-of-school/>

A.3 Providing Remote Education:

<https://www.gov.uk/government/publications/providing-remoteeducation-guidance-for-schools>

A.4 SEND Code of Practice (2015):

<https://www.gov.uk/government/publications/send-code-ofpractice-0-to-25>

A.5 Arranging education for children who cannot attend school because of health needs (2023):

https://assets.publishing.service.gov.uk/media/657995f0254aaa000d050bff/Arranging_education_for_children_who_cannot_attend_school_because_of_health_needs.pdf

A.6 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

A.7 No Isolation – AV1: <https://www.noisolation.com/>

A.8 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

A.9 Alternative Provision Dynamic Purchasing Scheme (AP DPS):

<https://www.staffordshireconnects.info/kb5/staffordshire/directory/advice.page?id=H5P6bngURD4>

A.10 Staffordshire County Council – Education Welfare Home Page:

<https://www.staffordshire.gov.uk/Education/Education-welfare/Education-Welfare-Home.aspx>

