

Together for Children



**Arranging Education for Children Unable to Attend
School Due to Illness, Exclusion or Other Reasons
(Section 19 Education Act 1996)**

September 2025

Version 1

Arranging Education for Children Unable to Attend School Due to Illness, Exclusion or Other Reasons (Section 19 Education Act 1996)

Policy Statement

This Policy Statement sets out what should happen when a child is unable to attend school due to illness, exclusion or other reasons and Together for Children's arrangements for complying with their s19 Education Act 1996 duty. .

Introduction

Section 19 (S19) of the Education Act 1996 places a duty on Local Authorities ('LAs/LA') to *'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 a suitable education unless such arrangements are made for them.'*

The purpose of s19 is to try and ensure that children or young people do not fall behind in their education when they are unable to attend school due to:

- **Illness:** A child may be unable to attend school due to illness or a long-term health condition.
- **Exclusion:** If a child is excluded from school (either temporarily or permanently), the LA has a duty to provide alternative education.
- **Other Reasons:** This could be for example, a family fleeing domestic abuse.

The Department for Education's 'Arranging Alternative Provision' statutory guidance for local authorities and schools (2025) 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 considered to be more suitable. This would be for reasons relating to the child's physical or mental health.'* Alternative Education could be provided through various means, including for example Pupil Referral Units, Online Learning or Home Tutoring. The individual circumstances of the child or young person in question will be taken into account when a LA decides what is 'suitable education' for them. It is for the LA to decide on what is a 'suitable education.'

The Section 19 duty placed on Local Authorities' ('LA'/'LAs') and detailed in this Policy relates to children and young people of compulsory school age.

Together for Children deliver the education functions of Sunderland City Council and therefore references to 'Local Authority' in the legislation and this Policy include actions to be taken by Together for Children delivering the education functions in the Sunderland local education authority area.

This Policy sets out Together for Children's approach to meeting the needs of

children or young people for whom it has a legal responsibility to provide an education, but who for reasons relating to illness, exclusion or otherwise, experience barriers to accessing a full and suitable education offer, despite Together for Children's Vulnerable Pupils' Panel (VPP) or In-Year Fair Access protocols having been followed and reasonable adjustments required under the Equality Act 2010 being exhausted.

In this Policy education arranged under the s19 duty is referred to as 'Alternative Education Provision'

Elective home education (EHE) and special educational provision otherwise than at school arranged under section 61 of the Children and Families Act 2014 (EOTAS) are not a form of Alternative Education Provision and are not covered under this Policy. EHE is a term used to describe a choice by parents to provide education for their children at home (or elsewhere) instead of sending them to school full-time. EOTAS is arranged for children and young people with special educational needs (SEN), typically with an Education, Health and Care (EHC) plan, when it would be inappropriate for the provision to be made in a school, college or other educational institution.

Who has the s19 duty to consider Alternative Education Provision?

The LA responsible for the s19 duty will depend upon where a child or young person resides and whether the child or young person has an Education Health and Care Plan (EHCP):

For a child or young person without an EHCP:

The LA where a child resides is responsible for the S19 duty. If the child resides between different addresses, the decision is made on where the child spends most of their time and that LA has the s19 responsibilities.

If the child resides in 2 LAs and spends an equal amount of time in both, there is an expectation that those 2 LAs will discuss and agree sharing the responsibilities for S19 provision. If an agreement cannot be reached, then the LAs can write to the Secretary of State for a decision.

For a child or young person with an EHCP:

The LA who is responsible for maintaining the EHCP has the s19 duty. It does not matter if a school in another local authority is named in the EHCP, the LA responsible for maintaining the EHCP has the s19 duty.

For a Cared for child with an EHCP:

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The school's general responsibilities:

To support the LA's s19 duty, the home school (i.e. the school where the child is on roll) has duties as outlined in Regulations 13 of The School Attendance (Pupil Registration)(England) Regulations 2024 to provide to the LA, the full name and address of any pupils of compulsory school age who are not attending school regularly.

The Education Act 1996 also places a duty on schools to provide education in the interim period while an assessment of need is undertaken to inform the LA's need to arrange Alternative Education Provision under Section 19. There is therefore an expectation that a school will provide this through remote education provision or other means as soon as

reasonably practicable, and until the LA has concluded its assessment of whether Alternative Education Provision under section 19 should be provided.

Together for Children has a Vulnerable Pupil's Panel (VPP) protocol that has been shared with all local schools, on how and why they would place children in Alternative Provision. Schools are expected to follow this when making a referral

A parent's responsibility

Parents should be aware that it is their duty under Section 7 of the Education Act 1996, to secure an education for children of compulsory school age, which includes whatever package may be offered by Together for Children following the Section 19 assessment.

It is therefore expected that a parent or parents of a child who is not attending school are using their best efforts to ensure their child or young person is accessing the education on offer to them. If a parent is struggling to secure their child's attendance at school, they can approach Together for Children for advice and support (Appendix 2.)

For the avoidance of doubt, where Together for Children offers (based on an assessment of need) a package of alternative education that it deems to be reasonably practicable for that child, there is no further duty to provide more or different alternative education because the child is not taking advantage of the original offer.

Any Alternative Education Provision arranged by the LA under s19 will always be considered as a short term intervention, with the expectation it will support the child or young person to reintegrate back into a school setting. The parents of the child or young person in question are expected to work with the alternative education providers and the school and provide the appropriate support to their child to assist with the reintegration into the school setting.

Where a child or young person is unable to attend school because of permanent exclusion:

For permanent exclusions, Together for Children will arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. In the case of a suspension, the duty to arrange suitable education rests with the school suspending the pupil. It is important that the school provide the appropriate notification and reasons for the suspension together with all relevant information about the child or young person to ensure appropriate Alternative Education Provision can be put in place.

Schools should notify the Access & Inclusion Team of any suspensions or permanent exclusions at the earliest opportunity.

Following permanent exclusion, The Link School (or other appropriate commissioned alternative provider), supported by Together for Children and wider agencies, will be responsible for enabling the child or young person to reintegrate back into a sustainable education place. In exceptional circumstances where a Child is in receipt of an EHCP is excluded from a specialist education provision and where the Link School are unable to meet the specific needs identified in the EHCP further consideration about what interim education package should be put in place will be considered by the child's SEND Caseworker.

Where a child or young person is unable to attend school due to illness:

Together for Children has a duty under s19 and the Department for Education's *Statutory Guidance on Arranging Education for Children Unable to Attend School Due to Health Needs* (2023) to provide education for children who cannot attend school full-time due to medical conditions.

Schools and academies have a statutory duty to support pupils with medical needs, as outlined in the Department for Education's Guidance '*Supporting Pupils with Medical Conditions at School*' (2014). It is expected that schools and academies will have followed the DfE statutory guidance, the [Children and Families Act 2014](#) and the [SEND Code of Practice 2015](#), and given consideration to seeking advice from health professionals prior to requesting that Together for Children considers the need for Alternative Education Provision for a child who is not attending school due to illness.

It is expected that referrals will be made under this ground only when a pupil's illness becomes too complex or presents risks too significant to be managed within a school setting resulting in that pupil being absent from school

Vulnerable Pupils Panel

In Sunderland, consideration of the s19 duty and what Alternative Education Provision is suitable, is fulfilled via the Vulnerable Pupils Panel (VPP). This is a panel made up of TfC Officers, the Headteacher of the Virtual School, CAMHS/CYPS representative, as well as representatives from alternative provision providers and schools and ensures a fair, transparent, and impartial referral process for pupils struggling to manage school. Schools (or medical consultants in cases of hospital tuition) are responsible for submitting a VPP referral when it is known a child is not attending school

Together for Children Access and Inclusion Team is responsible for overseeing the education of children with additional health needs and the Vulnerable Pupil Panel. Further details about the VPP process and the VPP referral form are available on the Together for Children website.

The DfE's [Alternative Provision: Statutory guidance for local authorities](#) states: '*While there is no statutory requirement as to when suitable full-time education should begin for pupils placed in alternative provision for reasons other than exclusion, local authorities should ensure that such pupils are placed as quickly as possible.*'

To ensure this is achieved, it is important that Together for Children, the school and family work together and in the best interests of the child sharing all appropriate information. Failure to engage fully could add delay to a decision being made by Together for Children around what (if any) Alternative Education Provision would be suitable.

The assessment undertaken by the Vulnerable Pupils Panel (VPP) for Alternative Education Provision in respect of a child or young person when a referral has been made will include consideration of the following questions:

- Is the child of compulsory school age?
- Would the child receive suitable education without Alternative Education Provision?
- Is it reasonably possible or reasonably practicable for a child to attend school?
- What Alternative Education Provision is suitable for the child or young person to access?

- Is the child or young person unable to attend school but able to learn?
- Could the child or young person partake in independent learning and what are the home circumstances?
- What are the child or young person's needs? Age, ability, aptitude, and any special educational needs. How are these needs best met
- What assessments have been undertaken in school and what have these identified?
- Is there a medical opinion? What is the supporting medical evidence?
- What other evidence is available and what is this suggesting?
- What is the plan for reintegrating back into school?
- Are there reasons relating to the child's physical or mental health which would suggest that, in the interests of the child, part time education is more suitable than full time education?
- 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?

Legal Framework and Related Legislation

This policy aligns with the following statutory documents:

- The Equality Act (2010)
- Education (Pupil Registration) (England) Regulations 2024
- The Children and Families Act 2014
- The Academies Act (2010)
- Ofsted Education Inspection Framework (2023)
- Arranging Alternative Provision - A Guide for Local Authorities and Schools (DfE, 2024)
- School and Early Years Finance Regulations (2012)

School Responsibilities for children with health needs

Schools have a legal duty to safeguard children under the [keeping children safe in education](#) guidance. This safeguarding duty includes 'preventing the impairment of children's mental and physical development.'

There is also the [mental health and behaviour in school](#) guidance. This guidance states that schools should have a whole school approach to creating a safe calm environment where mental health problems are less likely to develop, recognise emerging issues as early as possible and helping pupils to access support at an early opportunity.

They also have a legal duty under the [Children's and families Act 2014](#), to work with parents/carers to identify and support any special needs that your child may have.

This means that if a child is struggling to attend school because of their Special Educational Need or Disability (SEND), their school should be working to offer appropriate support or to further investigate your child's needs if not enough is known about it.

Schools are also best placed to make referrals to other external support service and teams.

Educational Provision

Together for Children is responsible for ensuring that children of compulsory school age receive suitable full-time education (or as much as their health allows) when illness prevents them from attending school. This applies to pupils in maintained schools, academies, free schools, special schools, and independent schools, as well as those not on a school roll, provided their main residence is in Sunderland.

While the law does not explicitly define full-time education, the provision should be equivalent to what a child would receive in school unless their health dictates otherwise. One-to-one tuition will involve fewer hours than classroom-based learning due to its concentrated nature, and provision may be delivered across multiple settings.

If a pupil's health prevents them from accessing full-time education, Together for Children will provide a part-time program based on medical advice, regularly reviewing and adjusting the plan as needed to support educational progress and emotional well-being.

Roles and Responsibilities

The responsibility for arranging alternative provision lies with the commissioning body, typically the school or Together for Children. The intervention should have clear objectives, expected outcomes, and a timeline for achieving these goals. If reintegration into school is an objective, an agreed plan must outline the assessment process for readiness and the support package needed for a smooth transition. These objectives are documented in the Tuition Education Plan (TEP) and regularly monitored.

Schools should proactively identify barriers to education and consider alternative provision at an early stage. This involves a comprehensive assessment of the pupil's needs, consultation with relevant services (SEND, Access and Inclusion, or Virtual School), and potential referral to the VPP. When alternative provision is agreed upon, a personalised intervention plan must be developed, setting clear improvement and attainment objectives, monitoring progress, and linking with other relevant documents such as Education, Health, and Care Plans (EHCPs).

Regular reviews should be conducted with families and professionals to ensure the suitability and effectiveness of the provision. Together for Children primarily provides home tuition for children unable to attend school due to health needs. However, alternative forms of provision may be considered when in the child's best interests.

For short-term illnesses or chronic conditions, school-based support and resources should be prioritised (refer to Appendix 1 for schools' statutory duties). Examples include post-operative support, periods of reduced immunity, and school-related anxiety. In most cases, the home

school will determine the best course of action in consultation with the VPP and medical professionals.

Delivering Quality Education

Together for Children is committed to ensuring that children with health needs receive a broad and balanced curriculum equivalent in quality to mainstream education. The provision will be flexible, tailored to individual health needs, and regularly reviewed. It aims to:

- Prevent children from falling behind their peers.
- Support reintegration into school when appropriate.
- Enable children to achieve qualifications where applicable.
- Develop individual learning plans with clear objectives for future education, training, or employment.

Together for Children may provide professional development opportunities for school staff regarding the impact of medical and mental health conditions on education. Additionally, electronic and blended learning approaches may be used to enhance educational provision and extend learning hours.

Maintaining strong communication with schools, academies, and free schools ensures clear referral processes and effective collaboration. Schools are expected to uphold their responsibilities by engaging with families, maintaining contact with pupils, and implementing policies that support children with medical needs. Together for Children can assist schools, alongside school nurses, in developing individual healthcare plans for pupils with complex medical and mental health needs.

Identification and Intervention

Together for Children will advise on the most appropriate education provision for a child who is expected to be absent for 15 cumulative or consecutive days within a 12-month period. Staff will liaise with medical professionals to minimise delays in arranging provision. In cases where specialist medical evidence is pending, a General Practitioner's (GP) report may be used to initiate temporary support, provided a referral to a specialist has been made.

For planned absences (e.g., hospital stays), education should commence as soon as the child is well enough. Hospital-based teaching staff will collaborate with the child's home school to ensure continuity. If access to hospital wards is restricted due to infection risks, remote learning options should be explored.

Children with long-term health conditions will not be required to provide ongoing medical evidence, but regular communication with health professionals is essential. Education providers, parents, and medical teams must work collaboratively to ensure the best educational outcomes. Medical advice following hospital discharge will be integrated into educational planning to support reintegration.

Reintegration

Reintegration into school is a key objective. Plans for the child's long-term education will be established at the start of the provision. Together for Children will work closely with schools to maintain education during reintegration.

Prior to returning to school, an individual healthcare and/or learning plan will outline necessary support, including catch-up strategies and designated safe spaces for students feeling unwell. Advice from school nurses and other medical professionals should be incorporated. Children with complex conditions may require a more gradual reintegration plan, avoiding undue pressure. Parents and pupils will be informed from the outset that the ultimate goal is to facilitate a return to mainstream education when possible.

“Or otherwise”

“Otherwise” is a broad category which covers circumstances outside illnesses and exclusions in which it is not reasonably possible for a child or young person to take advantage of any existing suitable schooling. This could be for example, where a child has an EHCP but there is no current school able to offer a place to the child

Education for Children Outside Compulsory School Age

Although Section 19 does not mandate education for children outside statutory school age, Together for Children and schools will consider cases individually to provide continued educational opportunities where possible.

This policy is linked to services including:

- Special Educational Needs and Disability Services (SEND)
- SEND Support Service
- Children and Young People’s Service (CYPS)
- Community Children and Young People’s Mental Health Services
- Access and Inclusion Team
- Virtual School
- Educational Psychologists
- School Nurses

This Policy will be reviewed annually or upon the publication of updated statutory guidance.

The named officer for section 19 is:

Ronnie Lynn – Strategic Lead – ronnie.lynn@togetherforchildren.org.uk

Appendices

Appendix 1: Relevant Legislation and Guidance (links provided)

Appendix 2: Useful Contact Details (to be included upon publication)