



# **WOKINGHAM BOROUGH COUNCIL**

## Section 19 Policy

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## **1. Introduction**

The Education Act 2006 mandates that all educational institutions and local education authorities ensure that suitable education is provided for children who are unable to attend a mainstream school due to illness, exclusion, or other reasons. This policy outlines the procedures and responsibilities for providing alternative educational arrangements in compliance with Section 19 of the Act.

## **2. Aim of the policy**

This policy aims to ensure that all children of compulsory school age receive a suitable education which is defined as efficient, appropriate to the child's age, ability, and special educational needs regardless of their ability to attend a mainstream school. This policy aims to:

- Provide clear guidelines for identifying and assessing children who require alternative education.
- Outline the roles and responsibilities of parents, schools, and local authorities.
- Ensure that alternative education arrangements are tailored to the individual child's needs.
- Monitor and review the effectiveness of the alternative education provided.

## **3. Scope**

This policy applies to:

- Children who are resident in Wokingham and unable to attend school due to illness.
- Children who are resident in Wokingham who have been excluded from school, either permanently or for a fixed period.
- Children who are resident in Wokingham and who are unable to attend school for other reasons, including but not limited to pregnancy, mental health issues, or social/emotional difficulties.
- The term 'school' includes those that are maintained by the local authority, academies, free schools, independent schools, and providers of alternative education.

**Section 576 Education Act 1996** defines a parent widely to include:

- a biological parent of the child (even if they do not have Parental Responsibility and even if the child does not reside with that parent).
- any person who is not a parent but has Parental Responsibility for the child (for example through a Residence Order, Child Arrangements Order, Special Guardianship Order, Step-Parental Responsibility Order, Adoption Order or Care Order).
- someone who has care of the child.

Therefore, all these people have the duty to ensure their child of compulsory school age receives a suitable education. This does not mean that the child must attend a school – it is possible to fulfil this duty by home educating the child.

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.

#### **4. Legal Framework**

This policy is governed by the following legislation:

- Education Act 2006, Section 19 - <https://www.legislation.gov.uk/ukpga/1996/56/section/19>
- Children and Families Act 2014
- Equality Act 2010
- Special Educational Needs and Disability (SEND) Code of Practice 2015
- The Education (Pupil Registration) (England) Regulations 2024
- Guidance: Education for children with health needs who cannot attend school
- Ensuring a good education for children who cannot attend school because of health needs (DfE statutory guidance) January 2013  
<https://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school>
- Supporting Students at School with Medical Needs (DfE statutory guidance) Dec 2015  
<https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>
- Local Offer
- Fair Access Protocol
- Alternative Provision Statutory Guidance [Arranging Alternative Provision - guide for LAs and schools](#)
- EBSA guidance
- EOTAS Policy.
- CME Policy.
- EHE Policy

#### **5. Roles and Responsibilities**

**The Local Authority will:**

- Identify children who are unable to attend school and assess their educational needs and assess whether they have met the thresholds of S19 of Education Act 2006.
- Arrange suitable alternative education that meets the needs of the child.
- Monitor the progress and welfare of children receiving alternative education.
- Ensure that alternative education is provided without undue delay, after it has been established that a child cannot attend school.

- When a child has a special educational needs diagnosis (SEND), and an Education, Health Care Plan (EHCP), or is part way through the EHC needs assessment process, the local authority's SEND manager will take lead responsibility to oversee the review of the situation and absences (supported by the Education Welfare Service). The actions will include taking a view whether there are any issues with either a lack of delivery of aspects of the EHCP or the content of the EHCP, including the named placement. If necessary, an interim annual review can be called to ensure a thorough review and consultation with parents/carers.
- For pupils where there is prolonged absence and no EHCP, the Education Welfare Service manager will take lead responsibility to oversee the review of the situation and any issues underpinning the absence(s). Prompt assessment of need will take place and lead to a timely decision about the best way to ensure suitable full-time education is accessed (or part-time if in the child's best interests): return to school (with reasonable adjustments where needed), attendance enforcements, or interim alternative education under Section 19.

### **Schools**

Schools must ensure that their educational practices are inclusive and that reasonable adjustments are made to support the needs of all children, including those with special educational needs and/or disabilities (SEND) and which should include:

- Adapting the curriculum to meet the diverse learning needs of pupil
- Providing access to appropriate resources, including assistive technologies where necessary.
- Promoting a positive school environment that supports the social and emotional well-being of pupils.
- Schools must support pupils with medical conditions, ensuring they can access full-time education. This includes creating individual healthcare plans and following statutory guidance. Schools should refer to additional support services if needed.
- Schools must notify the local authority if a pupil is absent for 15 school days or more due to a medical condition but best practice guidelines from the DfE is to report at day 10, whilst keeping the pupil on roll and supporting their continued education.  
Supporting pupils at school with medical conditions
- Provide information and support to facilitate the child's transition to alternative education.
- Maintain communication with the child and their family to support their reintegration into mainstream education when appropriate.

### **Parents/Guardians**

- Inform the school and Local Authority of their child's inability to attend school as soon as possible.
- Cooperate with the Local Authority and alternative education providers to ensure their child receives suitable education.
- Support their child's learning at home and facilitate any necessary adjustments to the home environment.
- Ensure that their child regularly attend the provision, which is deemed suitable by relevant professionals.

## **6. Procedures**

### **Identification and Referral**

- Schools must identify children who are unable to attend school and meet the threshold of S19 before referring them to the Local Authority.
- Referrals are submitted by schools in conjunction with parents, and should include detailed information about the child's circumstances and any relevant medical or psychological reports, with a particular focus on why the case is different from a non-attendance one under parental responsibility under s444 and s576 of Education Act 1996.

### **Provision of Alternative Education**

- Based on the assessment, if a case meets s19 criteria, the Local Authority will collaborate with the learner's school to ensure that a full-time curriculum is put in place and arrange suitable full-time education. This may include home tuition, online learning, placement in a special school, or other appropriate arrangements.
- The education should be full-time or as close to full-time as the child's health and circumstances permit. The law does not define 'full-time education', but children should have provision, where possible, which is equivalent to the education they would receive in a mainstream (or special) school. This may not mean the same number of hours. If, for example, a child receives one-to-one tuition, the hours of face-to-face provision could be fewer as the education may be more intensive. Provision should be adapted to the need of the young person.

### **Suspensions and permanent exclusions**

- It is important that pupils continue to have access to learning during their suspension or permanent exclusion so that pupils continue to make progress and achieve. This will minimise disruption.
- For a suspension of more than five school days, the governing board (or local authority about a pupil suspended from a Pupil Referral Unit) must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension.
- For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.
- The education arranged must be full-time or as close to full-time as is in the child's best interests because of their health and special educational needs.
- When notifying parents about a suspension or permanent exclusion, the school should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school, in line with legal requirements and guidance.
- Whilst the statutory duty on governing boards or local authorities is to arrange full-time education from the sixth day of a suspension or permanent exclusion, there is an obvious benefit to the pupil in starting this provision as soon as possible.

- Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of a suspension or permanent exclusion, the school should take reasonable steps to set and mark work for the pupil.
- Parents and carers are responsible for ensuring that their children are supervised during school hours on these days and complete the work which has been set. This will ensure that they will have the best chance to keep up with their learning and be less at risk of becoming involved in anti-social activities.
- If a pupil has been permanently excluded, they do not return to their school and, in line with the local authority's statutory duties, will receive their education from Foundry College, the Local Authorities Pupil Referral Unit (PRU). The PRU provide access to a balanced curriculum, small group teaching, specialist assessment, and reintegration support to ensure that, wherever possible, pupils return quickly to mainstream schools. For some pupils, the PRU will continue to provide education for a longer period.

### **Illness**

It is a good practice that a pupil with illness should be supported and educated at their home school where possible with reasonable adjustments or a reintegration timetable. Where a child is unable to attend school or receive such support from their home school due to medical needs, certified by designated medical professionals who is qualified in the related field, and where such a medical evidence is available, education will be provided by the PRU or a similar provision who will work with the school and medical professionals to ensure there is access to a full timetable this may include face to face lessons and/or access to virtual learning.

- Schools must provide support for their pupils with medical needs under their statutory duties as set out in 'Supporting pupils with medical conditions at school' (Department for Education, 2015). Shorter term illnesses or chronic conditions are usually best met by school support and resources. Such conditions that might meet this definition include short term post-operative support and periods of reduced immunity.
- The local authority's response is outlined in its policy 'Supporting Pupils at School with Medical Conditions'. [Supporting pupils at school with medical conditions](#)
- Where a pupil is unable to attend school for medical reasons the local authority will collaborate with schools, parents, health, and other professionals to provide a full-time education to meet a pupil's individual needs to enable them to thrive and prosper in the education system.
- Wherever possible the local authority will look at education provision being provided by school to ensure continuity for pupils. However, it is recognised that in some circumstances that may not be possible and provision for such cases may require additional advice and/or support from the local authority.
- Schools are under a duty to make reasonable adjustments to allow the pupil to access a suitable full-time education (or as much as the child's health condition can manage) in line with Section 19 of the Education Act 1996 – C This may include



arrangements for schoolwork being sent home for short periods of absence, a part-time timetable or remote/virtual learning. If there is a clear, effective, and time bound plan for reintegration then there may be no immediate role for the local authority in providing alternative education.

- Every effort will be made to minimise disruption to the child's education. Where an absence is planned e.g. hospital admission or recurrent stay in hospital, educational provision should begin as soon as the child is well enough. Teachers in the hospital settings will consult with the child's home school and work with them to minimise any disruption to their education.
- Where a pupil is, or likely to be, absent for a period of 15 days due to a medical condition, schools are required to notify the local authority. Once notified by schools that a child will be absent for 15 days or more, the local authority will collaborate with schools, health, and other professionals (where appropriate) to ensure that suitable education is made available.

## **Otherwise**

- In cases where there is a lack of clarity on medical needs or where the child does not have a medic who can advise on education engagement/provision, the Local Authority will assess using all evidence available to them, to support reintegration back to the home school.
- Where the child is not on roll at a school then alternatives will be considered and unless exceptional circumstances apply, a place will be sought at a Wokingham school.
- Local Authority will only provide education under the 'Otherwise' category if we assess that it is not possible for a child to receive a suitable education at their current school.
- Section 19 of the Education Act August 2024 also requires that where a pupil has been absent for a continuous period of 15 school days (authorised or unauthorised) we assess whether we need to step in and provide education ourselves.
- School should complete a Child Absent from Education (CAE) referral form [Children Absent in Education \(CAE\) Weekly Submission Form 0725](#) and submit to the Education Welfare Service (EWS) as per the Department for Education reporting guidance. EWS will review the referral form and consult with school about appropriate action. This may result in a referral to MAIC for consideration of Sect 19 education.
- Where children are unable to attend school for any other reason the local authority will consider the individual circumstances of each individual child, considering all available evidence, to inform our decision making and any action required by the local authority. This process is described below.

## **7. Multi Agency Inclusion Clinic**

### **Role and function**

- The Multi Agency Inclusion Clinic (MAIC) serves as a forum for consultation, discussion and sharing practice that aims to support consistent and transparent decisions for schools who are seeking additional support around pupils who face challenges within the school environment.
- The aim is to provide effective assessment and peer advice to ensure early intervention to meet children and young people's educational needs.
- To ensure pupil's needs are met locally, timely and in the most inclusive educational settings available.
- To provide a forum for professional challenge and support to ensure settings meet the educational needs of the children and young people.
- To evaluate the effectiveness and success of the Multi Agency Inclusion Clinic process to determine future need and inform the LA commissioned services.

### **Composition of the Multi Agency Inclusion Clinic (MAIC)**

- MAIC will consider cases from primary, secondary and independent settings, plus other settings such as School Admissions, SEND and Education Welfare for young people who are resident in the Local Authority. Members should have a good understanding of compulsory school age education requirements and a good awareness of the needs of vulnerable children and young people and/or members of the Senior Leadership.
- MAIC will reflect the diversity of the wider community, and it actively collaborates with members and partners to establish inclusive working practices.
- MAIC gives the referrers an opportunity to present their information in detail allowing for questions and suggestions from the panel, which is composed of representatives at management level from:
  - SEND Service
  - Education Welfare Service
  - Foundry College
  - Education Psychology
  - Virtual School
  - Early Help
  - Children's Social Care
  - A designated clinical officer or health professional
  - Prevention Youth Justice Service
  - Primary and Secondary School Leadership Team

### **Cases to be discussed at MAIC**

A case can be put forward via identified settings to [MAIC@wokingham.gov.uk](mailto:MAIC@wokingham.gov.uk) The case should be submitted on the Multi-Agency Inclusion Clinic Case Form, accompanied by any additional information that is required. The parents/ carers and, where appropriate, the child's views should be included in this information.

### **Triage Assessment**

All information provided will be collated by the officer responsible for managing the MAIC referrals in collaboration with other relevant officers. The responsible officer may request further information or assessments as required and will contact the case referrer to inform them of the date and time their referral will be heard.

### **Meeting**

Once all the required information has been provided the information will be shared with the MAIC members who will discuss at the next MAIC meeting. The referrer will present their case to the clinic, whereupon questions and advice and guidance will be considered by MAIC practice clinic members.

MAIC meetings will be held fortnightly, term time only.

## **8. Section 19 Decision making panel**

### **Role and Function**

The Section 19 decision making panel is a separate meeting which takes place after the MAIC to discuss and agree which referrals meet criteria for Section 19 duty. The decision-making process rests with the Local Authority with panel members consisting of:

- Principal Education Welfare Officer – Local Authority
- Principal or Senior Education Psychologist – Local Authority
- Manager or Team Manager from the Special Educational Needs Department – Local Authority
- The Head Teacher of Foundry College in an advisory capacity as the commissioned Local Authority education provider
- Head Teacher making referral for s19 to attend as appropriate.

The panel will consider:

- whether the criteria for section 19 have been met.
- whether alternative provision is necessary.
- the type and duration of the alternative provision required.
- additional support or interventions needed to facilitate the child's reintegration into mainstream education, where applicable.

The assessment and decision-making process of the Section 19 decision making panel will include but is not limited to:

- Is the child of compulsory school age?
- Would the child receive suitable education without alternative S19 support?
- The LA's premise is that for every learner the school is the best place for their needs to be met so will firstly explore all the reasons why they are not attending school and work with the school to ensure that all support is in place to enable access to a full curriculum?
- Is it reasonably possible or reasonably practicable for a child to attend school? This is an objective test with a high bar. If no, then alternative education must be arranged.
- What 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 Local Authority has provided suitable education that it is reasonably possible or practicable for a student to access. This is an objective assessment, and the views of the parents are not determinative.
- Is the pupil 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?
- How are these needs best to be 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 pupil's return to school?
- Would pupils with long-term medical conditions or any other physical or mental health needs affecting attendance require additional support to continue their education?

If the Section 19 decision making panel determines that the Section 19 duty **does** apply, this will be recorded on the triage form and circulated with the minutes of the meeting to all appropriate professionals, including schools. The triage form requires that school should relay the panel's decision to parent and young person and subsequently arrange a meeting with the LA's commissioned education provider, Foundry College. Foundry College will arrange to meet with parents, young person and home school to discuss appropriate options for suitable education provision to be put in place. Where on-site provision at Foundry College is not available or suitable, they will arrange for tuition in the home or in a community-based setting. Officers will contact parents/carers and school to discuss the

arrangements for the proposed educational provision, taking the parent/carer and child's views into consideration.

If the Section 19 decision making panel determines that the Section 19 duty does **not** apply, advice and guidance will be shared. Advice will be recorded in the minutes of the meeting which is shared with all appropriate parties. School will then share the advice and guidance with parents and young person to allow further education planning to be put in place. Schools can re-refer a young person into MAIC if the advice has proved unsuccessful.

The panel will meet fortnightly after the MAIC has taken place.

### **Education Review**

Foundry College will establish a review schedule to monitor the child's progress in the alternative provision. The frequency of reviews will depend on the child's individual circumstances but will occur once every half term.

### **Ongoing Review**

Where alternative provision has been agreed by the Section 19 decision making panel, pupils will have their provision set out in a personalised plan by professionals at Foundry College. This should be coproduced by the referrer, family and any education providers that are, or will be, involved in providing support for the pupil, including any SEN case worker. It should clearly identify the nature of the intervention, the objectives, the expected outcomes, and the timelines to achieve these. The longer-term plans, next steps and any transition arrangements for a pupil should be agreed at the start of any support provided, in accordance with the statutory guidance for alternative provision. Where provision is put in place, it is expected the home school will provide regular face-to-face contact, this should be in addition to any support commissioned or oversight provided by the Council. This is to ensure that relationships are maintained and developed, and to ensure a supported reintegration to school at the appropriate time. The home school is responsible for ensuring that provision is regularly reviewed, and plans are amended as required to support reintegration. Whilst best practice would indicate reviews should be completed at least every 6 weeks, this will be dependent on the nature of the pupil's needs and the reason for the provision being implemented.

All young people who meet criteria for Section 19 support will be monitored and reviewed by the Local Authority by way of the Section 19 decision making panel on a half termly basis, to determine if:

- They still meet criteria.
- Their education provision is suitable.
- Progress is being made.
- A re-integration plan is being considered and what it will look like.
- Ensure that the home school is attending education review meetings.
- Ensure that the home school is maintaining contact with the young person.
- Ensure that appropriate documentation is being retained and shared with the Local Authority.

## **9. Quality Assurance**

To ensure the highest standards of education, the Local Authority will:

- Ensure that all alternative education providers are suitably qualified and experienced.
- Implement a robust quality assurance framework to evaluate the effectiveness of alternative education arrangements in line with DfE guidance: Non-school alternative provision: voluntary national standards
- Seek feedback from children and parents to inform improvements in service delivery.

## **10. Reintegration**

From the onset the aim of any provision will be for the pupil to return to education. The Local Authority will support:

- Development of a reintegration plan in consultation with the child, parents, school and Foundry College.
- A smooth transition back to school.
- Monitoring the child's reintegration and provide additional support as needed, via Foundry College.

## **11. Elective Home Education**

Where a young person is electively home educated, they would not be considered for provision under Section 19 duty as the legal responsibility for a child's education rests with the parent. For further information in relation to elective home education please see Wokingham Borough Council's EHE policy.

<https://wokingham.moderngov.co.uk/documents/s47496/Enc.%201%20for%20Elective%20Home%20Education.pdf>

## **12. Children and young people not of compulsory school age**

The legal duty does not apply to children and young people under and over compulsory school age. The Council will not normally provide support for pupils who are under, or over, compulsory school age however where pupils who would normally be in year 12 are repeating year 11 due to medical reasons and for those pupils with an Education, Health and Care (EHC) Plan in years 12 and 13, requests for support will be considered on an individual basis in conjunction with the statutory SEND Service.

For post-16 students attending mainstream provision, the Council would look to the home school, college, or training provider to make any necessary reasonable adjustments for students who are unwell over a prolonged period.

## **13. Funding**

Alternative provision for children with medical needs who are educated by the Local Authority will also be funded by the Local Authority. However, where a child with an EHCP remains on the roll of their home school, which has received EHCP funding, but requires a period in alternative provision due to their health needs, the home school will transfer a portion of the school's funding associated with that child to the alternative provision. This

ensures that the funding follows the child and there is no double funding. This arrangement would cease when the child is reintegrated back to their home school or are no longer on the roll of the home school.

Schools are provided with national funding formulae in the form of an annual minimum per pupil level of £4,955 for primary schools, and £6,465 for secondary schools with year groups 7 – 11.

Schools retain their formula funding for pupils during the period of any alternative provision and will therefore only be allocated funds from the LA where it supersedes their funding allocation for the pupil, based on evidence such as a provision map.

In cases where evidence is unable to be provided, the LA may seek to recoup costs based on the circumstances of the pupil. For example, where the LA provides education for a pupil who has never attended the school site or received educational provision, full formulae funding will be recouped or that equal to the provision being made for the child.

#### **14. Appeals and Complaints**

Disputes may occur under this policy between schools, families, and the LA where decisions and/or recommendations are contested. In these instances, the complaints procedures should be followed and issues resolved informally in the first instance. Sharing concerns in writing and resolving through a meeting, phone call or other form of contact will assist in reaching a position of understanding or alternative outcome. Email address [Section19Enquiries@wokingham.gov.uk](mailto:Section19Enquiries@wokingham.gov.uk)

Should the dissatisfied party continue to consider the matter unresolved, please follow Wokingham Borough Council's complaints processes or seek further recourse through the Local Government Ombudsman.

Where it is discovered that the Local Authority providing provision under this policy being made is related to unlawful, discriminatory or non-compliant school practice, this will be made clear to the school through contact with the Head Teacher, and assurances to prevent recurrence will be sought on the particular concern in line with Wokingham Borough Council policy. This should not delay provision being made for the child. In all cases immediate action is required to safeguard and ensure children's educational entitlement through application of children missing education procedures.

Examples of unlawful, discriminatory, or non-compliant school practices include which may lead to the S19 duty being invoked (not exhaustive):

- A child is unlawfully removed from the school roll for the benefit of the school (off rolling)
- A child is suspended or excluded unlawfully (without lawful reason or applying compliant procedures from statutory guidance and legislation)
- A child is severely absent with school with no oversight or application of attendance procedures from the school or attempts to reintegrate or refusal to provide reintegration to the child.

In all cases, provision costs will be recouped from the school related to the expense of the provision made, and the case referred to the Regional Schools Commissioner in the case of an Academy School.

## 15. Review of Policy

This policy will be reviewed annually or following any legislative changes to ensure it remains in line with current legislation and best practice. Amendments will be made as necessary to improve the effectiveness of the policy.

## 16 Flow Chart





