

ARRANGING EDUCATION FOR CHILDREN WHO CANNOT ATTEND SCHOOL BECAUSE OF HEALTH NEEDS

Introduction

Local Authorities, including Newcastle City Council, have a duty set out in Section 19 of the Education Act 1996 and the DfE Statutory Guidance '*Arranging education for children who cannot attend school because of health needs*' (DfE, 2023. See appendix 1) to provide education for children who cannot attend school full time due to their medical needs.

Schools and academies should be providing support for their pupils with medical needs under their statutory duties as defined in '*Supporting pupils with medical conditions at school*' (DfE, 2014). It is only when the pupil's medical condition becomes too complex, or the risks are too great to manage in school that this policy would then apply (see appendix 1).

Other related documents are The Equality Act (2010), Education (Pupil Registration) (England) Regulations 2006, Section 100 of the Childrens and Families Act 2014, the Academies Act (2010), Ofsted Education Inspection Framework (2023), 'Alternative Provision: Statutory Guidance for local authorities (2013) School and Early Years Finance Regulations (2012).

In line with this duty, Newcastle City Council will oversee suitable full-time education (or as much education as the child's health condition allows) for children of compulsory school age who, because of illness, would otherwise not receive suitable education. This applies whether or not the child is on the roll of a school and whatever the type of school they attend. It applies to children whose main residence is in Newcastle, and who are pupils in academies, free schools, special schools and independent schools as well as those in maintained schools.

The law does not define full-time education, but children with additional health needs should have provision which is equivalent to the education they would receive in school, "unless the pupil's health means that full time education would not be in his or her best interests" (DfE, 2023). If they receive one-to-one tuition, for example, the hours of face-to-face provision could be fewer as the provision is more concentrated. Full time could also be made up in one or more settings.

Where full-time education would not be in the best interests of a particular child because of reasons relating to their physical or mental health, Newcastle City Council will accept part-time education as advised by health practitioners who are also working with the child. The part time education will be regularly reviewed, and a plan for increasing hours will be put in place where appropriate. Full and part-time education will still aim to achieve positive

educational progress (particularly in English, Maths and Science) and improved social and emotional health.

Responsibility for alternative provision remains with the commissioner (usually the school or Newcastle City Council). The nature of the intervention, the objectives, the expected outcomes, and timeline to achieve the objectives should be made clear. Where reintegration to school is an objective, there should be an agreement on how to assess when the pupil is ready to return, and the school should provide or commission a package of support to assist reintegration. Objectives and plans should be set out in writing and regularly monitored.

Schools should recognise any issues or barriers and hence a potential requirement for alternative provision as early as possible and carry out a thorough assessment of the pupil's needs. They should consult with the SEND service, the Access and Inclusion team or the SEMH service, as appropriate. This might result in a referral to the medical panel or to the Locality Inclusion Panel. If alternative provision is agreed, a personalised plan for intervention should be prepared by the school and provider, setting clear objectives for improvement and attainment, timeframes, the monitoring of progress and a baseline of the current position from which to measure progress. Plans should also link to other relevant information, such as Education, Health and Care plans for children who have one.

The school will review the provision offered regularly, with the family and all professionals concerned, to ensure that it continues to be appropriate for the child and that it is providing suitable education.

Within Newcastle City Council, educational provision for children with additional health needs which cannot be met in a school setting is often provided by Bridges School, which is part of Prosper Learning Trust. However, in some cases it might be in a pupil's best interests for other provision to be used.

Shorter term illnesses or chronic conditions are best met by school support and resources (see Appendix 1 for schools' statutory duty). Such conditions that might meet these criteria include short term post-operative support, periods of reduced immunity and school anxiety.

Usually, the pupil's home school will decide how best to meet the needs of the child. This is likely to be with support from Newcastle City Council and with advice from medical professionals.

The Local Authority team responsible for the education of children with additional health needs is the Access and Inclusion team: accessandinclusion@newcastle.gov.uk.

Arranging good quality education for children who cannot attend schools because of health needs in Newcastle

Newcastle City Council seeks to provide the same opportunities for children and young

people with health needs as their peers, including a broad and balanced curriculum, which is of good quality (as defined in Alternative Provision: Statutory Guidance 2013). The education will be flexible and appropriate to pupils' health needs, and regularly reviewed to reflect their changing health status. It will aim to prevent them from slipping behind their peers in school and allow them to reintegrate successfully back into school as soon as possible. It will allow them to take external qualifications if appropriate. All children who are supported will have an individual learning plan and clearly defined objectives, including plans for the next steps following placement, such as reintegration to school, further education, training or employment.

Newcastle City Council will offer schools appropriate continuing professional development about the impact of medical/mental health conditions as barriers to engagement with education.

Schools, including Bridges and other providers, may use electronic media to provide a blended learning approach to learning to provide access to a broader curriculum and to increase the numbers of hours of provision. However, this will be used in association with face to face contact and never in isolation.

Newcastle City Council will maintain good links with all schools, academies and free schools in the area through effective communication and clear processes of assessment and referral. Newcastle City Council will also ensure that schools are aware of their key role and reminded of their responsibilities in supporting their pupils with additional health and medical needs, so that children can be reintegrated back to school as smoothly as possible. Schools will be expected to maintain their links with parents/carers who also have a vital role to play e.g. keeping in touch through school newsletters, emails, invites to school events etc.

Schools must have a policy for supporting pupils with medical needs or include it as part of their medical, inclusion or SEND policy, which sets out how they will provide support. Newcastle City Council can support schools alongside school nurses in the development of individual healthcare plans for pupils with complex medical and mental health needs.

Identification and intervention

Newcastle City Council may provide appropriate education or may provide advice to schools on how best they can meet their pupils' needs, once requested by the school, and as soon as it is clear that the child will be away from school for 15 days or more or is too unwell to access education at their home school/normal place of education. The 15 days can be consecutive or cumulative within a 12-month period. Staff will liaise with appropriate medical professionals to ensure minimal delay in arranging appropriate provision for the child. Every effort will be made to minimise disruption to the child's education. Where there may be an initial delay in accessing specific medical evidence from a consultant, evidence from a General Practitioner may be used as part of an agreed assessment placement, provided that a referral to a specialist has also been made. If a child has a long term or complex health issue, the school needs to ensure that the

educational provision is regularly reviewed with medical professionals and parents/carers and amended as appropriate. The best way to do this is to use an Individual Healthcare Plan as outlined in the DfE statutory guidance (see appendix 1).

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. Teaching staff in the hospital settings will liaise with the child's home school and work with them to minimise any disruption to their education. If education staff are not permitted to access the general hospital paediatric wards due to the risk of infection, teaching staff will liaise with the child's home school to ensure that they will be able to access the home school's remote learning offer whilst they are inpatients.

Children with long term health problems will not be required to provide continuing medical evidence. However, regular liaison with health colleagues is important and the level of support required may be discussed with other multi-agency professionals as necessary. Newcastle City Council and the child's home school will decide on the most appropriate provision as they are the educational specialists. There is also an expectation that children and their parents/carers will cooperate fully with all medical advice and support offered and ensure they attend appointments. Recommendations from medical advice following a hospital discharge will be noted and Newcastle City Council will liaise with the child's home school to complement the education provided until they are well enough to return. Educational provision will be put in place as quickly as possible with a view to reintegration back into mainstream as soon as appropriate.

When a child is approaching public examinations, education provision will focus on the most appropriate curriculum to minimise the impact of the time lost while the child is unable to attend school. Awarding bodies may make special arrangements for children with permanent or long-term disabilities or learning difficulties, and with temporary disabilities, illness and indispositions, when they are taking public examinations. Schools or providers should submit applications for special arrangements to awarding bodies as early as possible. If the school is making the application, education providers, in association with medical professionals, will provide advice and information to the school to assist it with such applications.

Working together – with parents/carers, children, health services and schools

Parents/carers have a key role to play in their child's education and can provide helpful information to ensure that the teaching approach is successful. In the case of a Looked After Child, local authority representatives and primary carers would fulfil this role. Children will also be involved in decisions, their engagement dependent on their age and maturity. This supports Newcastle City Council and the school in being able to arrange the most appropriate educational provision with which the child is able to engage.

Effective multi-agency collaboration is essential in devising appropriate personalised individual learning plans.

Newcastle City Council will remind schools they cannot unilaterally remove pupils from their roll because of an additional health need without parental consent and certification from the 'school medical officer', even if pupils are being supported by Bridges (Education (Pupil Registration) England Regulations 2006). Newcastle City Council will also ensure that schools are meeting their statutory duty to provide suitable and appropriate education for pupils with medical needs.

Reintegration

The plans for the longer-term outcome and the next steps in a pupil's education will be agreed at the start of the commissioned support, intervention, or provision, according to the statutory guidance for Alternative Provision (2013).

Reintegration into school is always anticipated, unless it is in the interests of the pupil to remain with Bridges or another provider until the end of the year. This might be the case if a pupil is in Year 11. Newcastle City Council will work with the school to ensure education is maintained during this period. On return to school each child should have an individual healthcare plan and/or an individual learning plan which specifies the arrangements for the reintegration and may include extra support made available to help 'fill gaps' or provision of a 'safe place' if the child feels unwell. Advice from other medical professionals, including school nurses, can be helpful. For children with long term or complex health conditions, the reintegration plan may only take shape nearer to the likely date of return, to avoid putting unsuitable pressure on an ill child in the early stages of their absence. Children and their families are informed at the outset that the long-term intention will be to support the child's reintegration to school. While most children will want to return to their previous school routine promptly, it is recognised that some will need gradual reintegration over a longer period.

Provision for the education of children under and over compulsory school age

The legal duty does not apply to provision of education for children under or over the compulsory school age. However, Newcastle City Council and schools will consider each case of children outside of statutory school age so that they can continue to access education and will follow the same principles as outlined in this policy.

This policy is linked with related services e.g. Special Educational Needs and Disability Services (SEND), Child and Adolescent Mental Health Services (CAMHS), School Access and Inclusion team, educational psychologists and school nurses.

This policy will be reviewed by Newcastle City Council annually as part of the service review or on publication of updated statutory guidance.

Appendix 1: Links to documentation referred to in the policy

Department for Education (2023) *Arranging education for children who cannot attend school because of health needs.* –

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

Department of Education (2013) *Alternative provision*
<https://www.gov.uk/government/publications/alternative-provision>

The Equality Act (2010), <https://www.legislation.gov.uk/ukpga/2010/15/contents>

Education (Pupil Registration) (England) Regulations 2006,
<https://www.legislation.gov.uk/uksi/2006/1751/contents/made>

Section 100 of the Children and Families Act 2014,
<https://www.legislation.gov.uk/ukpga/2014/6/section/100/enacted>

The Academies Act (2010),
https://www.legislation.gov.uk/ukpga/2010/32/pdfs/ukpga_20100032_en.pdf

Ofsted Education Inspection Framework (2023),
<https://www.gov.uk/government/publications/education-inspection-framework>

School and Early Years Finance Regulations (2012).
<https://www.legislation.gov.uk/uksi/2012/2991/contents/made>

Appendix 2: Useful Contact Details

[SEND Local Offer | Newcastle Support Directory](#). This provides information about SEND provision and processes in Newcastle.

[Bridges School Newcastle](#) is our commissioned provider of hospital provision for children medically unable to attend school. However, most provision under Section 19 in Newcastle is led by the child's home school.

[Newcastle SENDIASS](#) provides independent advice and support for parents and carers about SEND

[School Anxiety and Refusal | Parent Guide to Support | YoungMinds](#) has lots of useful tips and advice for parents about children's mental health from the national charity Young Minds.

[Education Psychology Service resources for emotionally based school non-attendance](#) is a set of resources for schools and parents from the Education Psychology Service in Newcastle.

accessandinclusion@newcastle.gov.uk is the email address for the access and inclusion team at Newcastle City Council. They can help if you have questions about school attendance, including provision under Section 19.

[DfE summary of responsibilities when mental health is affecting attendance](#) is a summary

document for parents, schools and local authorities explaining their role with mental health related absences.

Frequently Asked Questions:

I've heard about Section 19 of the Education Act. Is my child entitled to alternative provision if they are not at school?

Section 19 of the 1996 Education Act places a duty on Local Authorities to arrange suitable education for children who are unable to attend school. As a guide, absence of fifteen days or more triggers this duty. There are various reasons why a child may be unable to attend school, such as permanent exclusion or illness. However, an illness that prevents school attendance for this length of time is rare. Children who are in this situation are very unwell. The Section 19 duty does not cover absence from school due to normal worries or anxiety, concerns about bullying or dissatisfaction with school policy or process. In these situations, parents have a responsibility to work with the school to overcome these barriers. If you feel that the school is not responding to your concerns, you should follow the school's complaints procedure. The Section 19 duty also does not cover children who are being electively home educated. If you have chosen to electively home educate your child and feel that you are not able to provide a suitable education, you should contact the access and inclusion team using the link above. They will provide advice about returning to school.

If it is likely that your child will be unable to attend school for more than fifteen days, despite the best efforts of school and parents, the school will contact the Local Authority for guidance. Under Section 19, the Local Authority will support the school to provide a suitable education while your child is unable to attend. The nature of this education provision will vary depending on the circumstances of the absence.

Below are some further questions and answers that cover some of these circumstances.

What should I do if my child doesn't want to attend school?

It is perfectly normal for children to experience difficult emotions about attending school. This might be caused by worries about friendships, schoolwork, exams or variable moods. This can be stressful for parents, but it is important to encourage your child to attend school regularly. If children get into a habit of missing school, they get behind with their learning and miss out on friendships and social connections. This makes them even more anxious about returning. Getting into the habit of going to school even if they feel a bit unwell or anxious is a good life lesson for children that builds resilience.

What can I do if my child is anxious and avoiding school?

If your child is regularly trying to avoid going to school or is refusing to attend, it is important to talk with your child about it. Children often struggle to explain their feelings, so they might not be able to answer a direct question like 'what's going on?'. Mind maps or anxiety icebergs are a good way of talking about worries. Some good examples are included in links above.

Once you understand the problem better, speak with the school and talk about your concerns. Even though you may be worried about the situation, it is important to maintain positive contact with your child's school. Schools want to help and can often make adjustments to reduce your child's worries. Anxiety and worry about school usually have a specific cause which can be sorted out. However, if you feel that your child might have an underlying difficulty you should discuss this with the school. You may need to speak with the school SENCO. If you don't keep in contact with school, absences are likely to be treated as unauthorised and may well be referred for legal action.

What happens if my child is too anxious to attend school?

In very rare cases, some children are unable to attend school due to a mental health illness. If your child is experiencing significant anxiety and is distressed you should make an appointment with your family GP for advice and inform your child's school. The school will work with you to create a plan to help your child to get back to full time attendance. To do this, the school will take any medical evidence into account, and will seek advice from Local Authority officers. If your child has an education, health and care plan (EHCP), a significant change like this will probably result in a review of the EHCP plan. For all other children, the school may want to raise your child's case at the Locality Inclusion Panel. This is a multi-agency panel which can help the school create an effective plan for your child. If the school wishes to discuss your child's case at the panel, they will ask for your consent.

For most children in this situation, getting back into full time attendance at their school is best for their mental health and academic outcomes. The plan will set out how this is going to be achieved. Each plan is specific to individual children, but most will aim to gradually build up attendance at school. It is important that your child does not drop behind academically during this time, so the plan will set out how learning will be maintained, with as much face to face learning as possible. If further advice comes to light, such as advice following work with mental health specialists, this will be incorporated into the plan.

Supporting a child in this situation is very challenging for parents. You will need to encourage your child to progress through the plan. You will also need to be prepared for setbacks, especially when building up attendance at school. It is essential to keep in regular contact with the school, especially about what is and is not working. The plan will be monitored regularly, and the school should involve you in this.

My child is likely to be unable to attend school because of a serious illness. What should I do?

If you know that your child is likely to be absent from school for a while, perhaps due to a major operation or significant ongoing treatment, you should inform your child's school. The school will get in touch with the Local Authority for advice. In cases of treatment for serious illness that might involve extended hospital stays, or where attending school would be impossible due to risk of infection, the Local Authority commissions Bridges to provide a suitable education. In such cases, a multi-agency panel would make this decision, usually based on advice from hospital consultants.