

# Gloucestershire's Attendance & Section 19 (of the Education Act 1996) Policy & Process

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# The legislation – LA Duty

[Section 19 \(S19\) of the Education Act 1996](#) places a duty on Local Authorities (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.'*

- GCC published its Attendance & Section 19 policy in February 2024 [Section 19 of the Education Act 1996 | Gloucestershire County Council](#)
  - Interim until September '24
  - Covers Absence due to Exclusion, Illness and Otherwise
  - Hold itself, Schools and Parents to account
    - High Support, High Challenge

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# The Legislation – School Duty

- Schools are required by '[Supporting pupils at school with medical conditions](#)' (2015) Statutory guidance (informed by Children and Families Act 2014) to have a medical needs in schools' policy, which highlights their local response to meet their legal duty to '*support pupils with medical conditions*'.
  - The duty is anticipatory – Should be planned for in advance (Equality Act 2010)
- So – For 'Illness' absence
  - Prior to requesting that Gloucestershire County council considers the need for Alternative Education Provision for a child with identified needs relating to illness, schools should refer to their own Medical Needs policy (as required by the statutory guidance) and consider advice from health professionals.
  - Where schools need advice/ support to inform their actions or responsibilities they can contact Gloucestershire's Designated Clinical Officer (Charlotte Ward).

# The Legislation – Parental Duty

Section 7 (S7) of the Education Act 1996 places a duty on parents to:

*Secure education of children of compulsory school age.*

*The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—*

*(a)to his age, ability and aptitude, and*

*(b)to any special educational needs (in the case of a child who is in the area of a local authority in England) or additional learning needs (in the case of a child who is in the area of a local authority in Wales) he may have, either by regular attendance at school or otherwise.*

**Highlighted Legislation demonstrates that Attendance and access to Education is a shared responsibility.**

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# Seeking support under S19 – where Absence is ongoing

- Exclusions remain unchanged (but covered in policy)
- Where absence relates to ‘illness’ or ‘Otherwise’ for a CYP of school age
  - Has been for 15 days in the same school year
  - For the same or linked reason
  - Is not/ should not be subject to a school’s AIM/ legal attendance policy/ process
  - School can demonstrate their reasonable adjustments/ Have met the requirements of their medical needs policy and the statutory guidance for schools.
    - How has the Graduated Pathway been used?
- Schools can request that GCC ‘assess’ the need to provide Alternative Education Provision
  - Without an EHCP it is ‘Highly Unlikely’ to be specialist provision

# Completing a S19 Referral

- Must be completed by school where CYP is on main roll (In Year or EHCP Teams will submit for CME cohort)
  - The home school has a duty ([regulation 12\(1\)\(a\) of the Education \(Pupil Registration\) \(England\) Regulations 2006](#) to provide to the local authority, with details of CYP of school age who are not attending school regularly
- [Form A. Section 19 in Gloucestershire – Illness and / or Otherwise – Gloucestershire Forms](#)
  - This is a detailed form, as it provides much of the information required to determine if Alternative Education Provision is required

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# Triage

- All referrals are triaged (Multi-Agency Support Service)
  - Process/ Criteria
  - Understand/ expand on needs to inform need for Assessment
- Triage outcome:
  - Back to school for further Reasonable Adjustments
  - Signposted to a multi-agency forum for assessment
    - TALC/ IC/ Exceptional Circumstances/ EHCP – Tier C/ PEP Review
    - Decision within 20 days (exceptions apply) following submission of referral

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# Assessment

- Owned by the multi-agency partners of the relevant forum – oversight form forum Chair
- Centres around if it is 'reasonably possible or practicable' to attend the host school.
  - Where Yes –
    - Schools supported to make education available – Partnership Response
    - Parents held to account for their duty under S7 (Education Act) to '*Secure an education for children of compulsory school age*'
  - Where No –
    - Further assessment identifies what AEP is appropriate for the CYP
    - GCC Arrange that provision – Kept under constant review by TAF Group
      - What additional (holistic) support can partners provide (not statutory).
- Referrer will be informed of the outcome (Automated via JADU)

# Current Activity/ Themes

- 'Legacy Cohort' – 115 CYP been referred.
- 154 New referrals Mar-June '24 (in addition to 'Legacy')
  - 10 per school week
- High proportion of perceived Mental Health needs (75-85%)
- Schools presenting with a lack of evidence they have met their duty (Medical Needs Policy – C&F & Equalities Acts)
- Parental Complaints – Quoting their rights
- EHE & S19 – CYP generally signposted to in-year admissions
- EHCP & S19 – Usually best addressed as part of EHCP review process

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