



# Section 19 Policy

**Telford and Wrekin policy for the education of children and young people under Section 19 of the Education Act 1996.**

June 2025

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## 1. Context

1.1 Our vision is to enable all Telford and Wrekin children and young people to access a good or better education, where their needs are met, so that they can learn successfully and each reach their full potential. *See also Telford and Wrekin Belonging Strategy, Medical Needs Policy, SEND & AP Strategy and Accessibility Policy.*

1.2 This policy sets out how Telford and Wrekin Council will work with all agencies so that Telford children<sup>1</sup> who are of compulsory school age (5 to 16) and who are not able to attend school because of exclusion, illness or otherwise, under Section 19 of the Education Act 1996, are supported to achieve our vision.

1.3 Telford and Wrekin recognises that there is a shared responsibility between the local authority (LA), schools and partner agencies to successfully implement this policy and promote high quality integrated service provision to support positive outcomes for this cohort of children and young people.

1.4 The provision for children who are unable to attend school will ensure that:

- Pupils make good progress in their education and do not fall behind their peers, particularly in key subjects. (*Priority 1 Telford and Wrekin Belonging Strategy*)
- Disruption to learning is minimised and there is a continuity of education provision within the school curriculum. (*Priority 2 Telford and Wrekin Belonging Strategy*)
- Pupils are able to obtain qualifications as appropriate to their age and abilities. (*Priority 1 Telford and Wrekin Belonging Strategy*)
- Pupils are able to reintegrate successfully back into school and that this takes place as soon as their health permits. (*Priority 1 & 4 Telford and Wrekin Belonging Strategy*)
- Pupils continue to feel fully part of their school community and are able to stay in contact with classmates. (*Priority 1 Telford and Wrekin Belonging Strategy*)

## 2. The Statutory Framework

2.1 Section 19 of the Education Act 1996 states that, ‘local authorities must arrange suitable and (normally) full-time education for children of compulsory school age who, because of exclusion, illness or other reasons, would not receive suitable education without such provision being arranged’. Additionally, ‘The local authority does not need to become involved in such arrangements unless it has reason to believe that the education being provided by the school is unsuitable’.

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<sup>1</sup> For the purpose of this policy a Telford child is defined as a child where those who have parental responsibility and who are the main care giver reside within Telford and Wrekin LA. This includes:

- those who access their education in neighbouring LAs and who are ordinarily resident in Telford
- those children who are in care to Telford and Wrekin Local Authority and are placed in another LA area for their care and/or education provision.

This does not include those children who are in care to another LA and are placed in Telford for their care and/or education provision.

2.2 The LA where a child resides is responsible for education under Section 19. If the child resides between different addresses in a split family, the decision is made on where the child spends most of their time and this LA has the Section 19 responsibilities (clarified upon notification). If the child ordinarily resides 50/50 in 2 LAs, then both LAs can discuss and agree sharing the responsibilities for Section 19 provision. If an agreement cannot be reached, then the LAs can write to the Secretary of State for a decision.

2.3 For Children with an Education, Health and Care Plan, the LA who is responsible for maintaining the EHC plan is responsible for maintaining their provision; this includes Section 19 provision. Even if a school in another local authority is named, the LA responsible for maintaining the EHC plan is responsible for the Section 19 provision. Section 19 of the High Needs Operational Guidance states that:

‘When a local authority places a looked after child with an EHC plan in another local authority’s area (for example, with foster parents), the local authority where the looked after child lives (is wholly or mainly resident) becomes responsible for maintaining their EHC plan (including paying any top-up funding), in the same way as any child or young person who moves from one local authority’s area to another.’

2.4 For children who are Electively Home Educated, it would be assumed that the child is receiving appropriate education in the home environment, unless this has been deemed unsuitable by an EHE Adviser.

2.5 The Section 19 duty placed on Local Authorities’ and detailed in this Policy relates to those of compulsory school age – Children and Young People aged 5 – 16 (from school term after a child’s 5th birthday, until last Friday in June of the school year they turn 16).

2.6 Where the Local Authority offers (based on an assessment of need) an alternative education that it deems to be reasonably practicable for that child it is not under a duty to provide further alternative education because the child is not taking advantage of that facility. 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 in this circumstance, is available.

2.7 Where a child is receiving tuition on a 1:1 basis then access to 25 hours per week may not be appropriate as the provision is more concentrated. In such cases the provision will be considered on a case-by-case basis and will be tailored to the child’s age, aptitude, and ability and any other individual need (for example, health, social and emotional needs, special educational needs or disability).

2.8 Education may be arranged:

- Within the home setting overseen by staff from the child’s school or a commissioned tutor or through a supervised online education provision.
- Within an identified community setting overseen by a tutor from the Student Engagement Programme, a tutor commissioned by the school or LA; or through a supervised online education provision.
- Within one of the Student Engagement Programme’s provisions such as at House 1, commissioned by the home school.
- Within a NHS hospital setting in Telford and Wrekin shared service with Shropshire LA overseen by the home school, Telford and Wrekin and Shropshire LA.

- Within a NHS hospital setting in another LA and in accordance with local arrangements.
- Where a child has a mental health condition that requires treatment in a specialist centre that is commissioned through NHSE the LA may commission the hospital school to provide education or may arrange for education to be provided by the home school or by a tutor commissioned by the LA or through an online education provision.

**NB** – under the Working Together to Improve Attendance guidance September 2024, schools can only ‘B’ code the attendance of the young person where ‘the activity is supervised by a person considered by the school to have the appropriate skills, training, experience and knowledge to ensure that the activity takes place safely and fulfils the educational purpose for which the pupil’s attendance has been approved. Supervision means the pupil is physically supervised by someone who meets this definition.’

2.9 Where the LA has arranged for education for a young person, the LA will track the attendance and progress of that young person. Where this is the case, these pupils should be coded absence code K on the school register for the sessions that the provision is being provided for the pupil. This is because the local authority is providing the education for the pupil. It should not be a blanket code K and should only be for the sessions when the pupil should be at the provision.

### 3. Identification and Referral

3.1 There are a number of routes by which a child may be referred to the Local Authority for support under this policy, this would include notification of permanent exclusions through the SAM portal; schools referral where the school can’t meet needs; a child identified as a ‘Child Missing Education’ through the Attendance Team; and a child identified through the Ensuring Access to Education for All as not in receipt of an appropriate education.

3.2 In each case, the initial referral will be considered by the Section 19 Fortnightly Review Meeting. There will be one of four outcomes from this meeting:

- Red – urgent need for education for the young person, case escalated straight to a tripartite meeting (the case and outcomes will be shared at the Children Unable to Attend School Panel<sup>2</sup>).
- Amber – further information needed to evidence that the child meets the criteria for Section 19, to be reviewed by the Children Unable to Attend School Panel<sup>3</sup>.
- Green – the educational needs of the child are currently being met appropriately, continue to monitor through the Section 19 Weekly Review Meeting.
- Blue – clear evidence that the case doesn’t meet the thresholds for Section 19, this will be referred to the Attendance Support Team under the Children who are Absent from Education Policy (currently under review).

**For Further Information about the Children Unable to Attend School Panel and tripartite meetings, please refer to the Medical Needs Policy.**

<sup>2</sup> The Children Unable to Attend School Panel, or equivalent multi-agency panel, will be in place from Autumn 2025

<sup>3</sup> This review will take place at the Fortnightly Review Meeting until such point as the Children Unable to Attend School Panel comes into operation.

3.3 The Attendance Support Team monitor all pupils who are Children Missing from education; that is those who are not registered pupils at a school. These pupils may be in receipt of other provision, such as tuition, whilst being placed in a school. They also monitor those who are on a school roll but no attending school for more than 15 consecutive school days. Any children who fall into these categories should be referred to the Attendance Support Team, via the SAM Portal, in line with the policy and procedures for Children who are Absent from Education.

### **Children in Care**

3.4 Where a child in care is likely to be placed in alternative provision, the Designated Teacher (DT) should contact the local authority's Virtual School Head (VSH) as soon as possible. The VSH, working with the DT and others, should consider what support a child needs to overcome barriers to attainment and achievement, giving equal consideration to the pastoral needs of the child, to ensure an appropriate AP placement can be made. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers.

### **Children with an EHCP**

3.5 When a pupil with an EHCP isn't receiving appropriate provision, if it is inappropriate for the provision outlined in the EHCP plan to be made in a school (or as part of the Electively Home Educated offer), the EHCP Service may decide to arrange and provide for a child an EOTAS (Education Other Than at School) package under S61 2014 Children and Families Act.

3.6 T & W may only arrange EOTAS provision if it is satisfied that it would be inappropriate for provision outlined in a child's EHCP Plan to be made in school (or as part of the Electively Home Educated offer), in consultation with a child's parent. To determine whether it would be inappropriate for provision to be made in a school, T & W will take account of the circumstances of the case which would include:

- the child's background and medical history,
- the particular educational needs of the child,
- facilities that can be provided by a school and otherwise than at a school,
- the comparative costs of alternative provisions,
- the child's reaction to the provisions,
- the parents' wishes
- and any other particular circumstances that might apply.

3.7 Where children and young people with an Education Health and Care Plan move into the Local Authority area (including returning EHE) and a suitable school place isn't immediately available, support will be provided under the Local Authority's section 19 responsibilities. This will usually be through the provision of tuition.

## **4. Permanent Exclusion**

4.1 Suspension or Permanent Exclusion should only be used as a last resort and only as a protective consequence, in response to serious or persistent breaches of a school's behaviour policy and when allowing the pupil to remain in school would seriously harm the education or welfare of the pupil and others in the school. For further guidance on alternatives to Permanent Exclusion and advice on processes, please see the Telford and Wrekin 'Rarely Exclusion' guidance.

4.2 Advice and support for schools regarding appropriate strategies to maintain a pupil's placement at school is available through the Pre-Exclusion Hotline 01952 386380.

4.3 Arrangements and procedures for children who have been permanently excluded from school can be found in the Fair Access Protocols. It is critical that the mainstream school provides detailed information about the reason for permanent exclusion, the needs of the child, safeguarding information and the support that has already been provided. This will enable a much smoother transition to Alternative Provision.

4.4 'If a child has been permanently excluded from school, the council must arrange alternative education from the sixth school day following the exclusion, although it may start sooner.' Local Government and Social Care Ombudsman 'Out of School, Out of Sight?' 2022.

4.5 Provision of education for permanently excluded pupils is delivered by the LA wide partnership Alternative Provision (AP) settings, The Linden Centre and Kickstart, which are commissioned by the LA to provide the service offer.

4.6 The AP settings are commissioned to arrange and provide a suitable education, which includes tailored to the individual needs of the children and young people. It is critical that mainstream schools provide the settings with detailed information about the needs of the child and young person and the support that has already been put in place, through the Fair Access Panel.

4.7 Following permanent exclusion, the AP settings, supported by the local authority and wider agencies, are responsible for enabling the child or young person to reintegrate back into a sustainable education place. There is an expectation that the permanently excluding school complete a Fair Access Panel Referral Form via the SAM Portal, and present details of the young person at the first Fair Access Panel meeting following the permanent exclusion to enable the panel to make a reasoned decision around reintegration back into a mainstream school.

## 5. Medical Needs

5.1 Schools should read this policy alongside the statutory guidance for 'Supporting pupils at school with medical conditions' 2015, the Children and Families Act 2014 and the SEND Code of Practice 2015, which highlight their legal duty to 'support pupils with medical conditions'. Prior to requesting that the LA 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 seeking advice from health professionals.

5.2 Further guidance on supporting young people with medical needs, including through the Local Authority's Section 19 duties, can be found in the Medical Needs Policy, 'Education of Children Unable to Attend School'.

5.3 "There is no absolute legal deadline by which local authorities must start to arrange education for children with additional health needs. However, as soon as the local authority has been informed by the home school that the child will be absent for 15 days or more they should begin the process of arranging suitable alternative provision." DfE; Arranging Alternative Provision; A Guide for Local Authorities and Schools; February 2025

## 6. Children out of school for reasons other than Medical Needs or Exclusion; 'Otherwise'

6.1 The LA has responsibility for arranging suitable education after day 15 for children who are missing education (CME). This means they are not on roll of a school and are not Electively Home Educated. Parents should read this policy for a Child/ Young Person not on a school roll alongside Telford & Wrekin Council's School Admissions Policy, which provides detail of how a parent/ guardian can meet their statutory duty outlined in Section 7 of the Education Act to 'secure an education for a child of compulsory school age'. Further support or guidance can be provided by the Admissions Team [admissions@telford.gov.uk](mailto:admissions@telford.gov.uk).

6.2 T & W will only arrange 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, and where arrangements are made the host school will be required to keep the pupil on roll and retain safeguarding responsibilities.

6.3 If the LA does arrange and provide education; the provision should be short-term, with a view to the child being re-integrated at the earliest opportunity back into their home school, or for Children Missing Education, being allocated a suitable and permanent school place. Where T & W does arrange alternative education for these cohorts of children and young people it may request their home school provides the pro-rata AWPU funding.

6.4 Where a child with an EHCP is awaiting a suitable permanent place in a school, they will be considered as a 'Child Missing Education' and suitable provision, often tuition, will be arranged by the SEND Team until such time as a suitable school place is allocated.

## 7. Funding

7.1 Where the Local Authority assumes responsibility for the education of a child under Section 19, this will be funded from local authorities' high needs budgets. However, where a child remains on the roll of their home school but requires a period of time with support outside of school, the local authority will request a transfer of a portion of the home school's funding. Alternatively, an agreement to fund different elements of the package between the LA and the home school will be agreed through the tripartite meeting. This would ensure that the funding follows the child. 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.

## 8. Reintegration

8.1 Telford and Wrekin recognises that, whenever possible, pupils should receive their education within their mainstream school and the aim of the provision will be to reintegrate pupils back into mainstream education at the earliest opportunity as soon as they are well enough. Arrangements for reintegration will be discussed with school staff and each child or young person will have a personalised reintegration plan that may include:

- Access to AP for a period of time

- Education provided in the home delivered by staff commissioned by the school; House 1; a tutor commissioned by the LA or through online learning/virtual schooling.
- Ongoing access to therapeutic intervention may be required and will be considered as part of a multi-agency approach.

8.2 Under equalities legislation schools must consider whether they need to make any reasonable adjustments to provide suitable access for a child whose condition amounts to a disability.

8.3 Schools are responsible for monitoring the quality of any and all provisions they commission for the individual learner, e.g. through regular reviewing, site visits, checking safeguarding information, single central records, attendance records and progress records.

## 9. Children other than of Statutory School Age

9.1 This policy refers to the statutory duty for schools and Local Authorities for children of statutory school age. For children below or above statutory school age, the principles of identifying need and providing a planned approach to support with the setting working with parents and the young people directly apply. The Local Authority can support with advice over these arrangements.