

North East Lincolnshire Council

Section 19 (Education Act 1996)

Policy Statement



Review completed: May 2026	Completed by: J Walsh
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1. Introduction

North East Lincolnshire Council (NELC) is committed to ensuring that every child and young person is supported to achieve and thrive, regardless of their individual circumstances or the barriers they may face in accessing education.

We recognise that education is fundamental to children's development, wellbeing, and life chances, and that timely access to suitable education is essential in promoting positive outcomes. Where children are unable to attend school, NELC will act collaboratively to ensure they receive a high-quality, inclusive education offer.

Under Section 19 of the Education Act 1996, the Local Authority has a statutory duty to make arrangements for the provision of suitable education for children of compulsory school age who, by reason of illness, exclusion, or otherwise, would not receive it unless arrangements are made.

In delivering this duty, NELC will:

- Place the child at the centre of all decision-making
- Work in partnership with families, schools, and wider professionals
- Take a relational and strengths-based approach, recognising individual needs and circumstances
- Act decisively and without delay to prevent any child missing education unnecessarily
- Focus on restoring stability, building resilience, and enabling reintegration into education wherever possible

Supporting children who are unable to attend school is a shared responsibility across the system. Schools are expected to take all reasonable steps to support attendance, remove any barriers to education, and prevent escalation to rely on external provision.

2. Legal Framework

This policy makes reference to and is compliant with the following Legislation:

- Section 19 of the Education Act 1996 - [Education Act 1996](#)
- DfE statutory guidance on alternative provision and children with health needs - [Education for children with health needs who cannot attend school - GOV.UK](#)
- Arranging Education For Children Who Cannot Attend School Because Of Health Needs - December 2023 - [Arranging education for children who cannot attend school because of health needs](#)

- Supporting Pupils At School With Medical Conditions –December 2015 - [Supporting pupils at school with medical conditions](#)
- Equality Act 2010 - [Equality Act 2010](#)
- Section 100 of the Children and Families Act 2014
- Working Together To Improve School Attendance - [Working together to improve school attendance \(applies from 19 August 2024\)](#)
- Summary of responsibilities where a mental health issue is affecting attendance 2023 - [Summary of responsibilities where a mental health issue is affecting attendance](#)

3. Scope of the Policy

Children and young people with medical conditions are entitled to a full education and have the same rights of admission to school as other children.

This provision may be required where a child is unable to access education due to illness or health needs, including physical health conditions, mental health difficulties, that would impact a child's ability to access their school with reasonable adjustments for 15 days or more.

In cases of exclusion, the local authority must secure suitable full-time education from the sixth school day following a permanent exclusion, while for suspensions, responsibility remains with the school unless additional thresholds for local authority involvement are met.

Provision may also be considered in other circumstances, such as a significant breakdown in placement, or where safeguarding or wider contextual factors are impacting the child's ability to attend school in a manner that would be impossible for the school to provide education.

There is no exact definition on what a suitable education is, however the DfE explain suitable education as efficient education suitable to the child's age, ability, aptitude, and any special educational needs.

4. Supporting Pupils At School With Medical Conditions – December 2015

Section 100 of the Children and Families Act places a duty on maintained schools, academies and Pupil Referral Units to make arrangements to support children in their setting with medical needs.

Statutory guidance is clear that schools must ensure that children with medical conditions are properly supported to access all aspects of education, including trips and physical education. Governing bodies are responsible for putting appropriate arrangements in place and should ensure that school leaders consult with health and social care professionals, children and parents to provide effective support.

The governing body should ensure that a school's 'arrangements give parents and pupils confidence in the school's ability to provide effective support for medical conditions in school. The arrangements should show an understanding of how medical conditions impact on a child's ability to learn, as well as increase confidence and promote self-care. They should ensure that staff are properly trained to provide the support that pupils need.'

A school must ensure that, where required, a child has a comprehensive Individual Healthcare Plan that is reviewed at least annually, and best practice is for this to be co-produced with relevant healthcare professionals, parents or carers, and the child (where appropriate).

North East Lincolnshire's School Nursing Service are a universal service that can be accessed by children in all schools, and provide advice and guidance on meeting the needs of a child with a medical condition.

5. Education For Children Who Cannot Attend School Because Of Health Needs December 2023

"This guidance relates to local authorities' statutory duties under section 19 of the Education Act 1996. The s.19(1) duty states that local authorities are responsible for arranging 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."

The DfE recognises that, in certain circumstances, Section 19 Provision may be delivered by the child's school where this is more appropriate, or where the child is able to attend school for part or all of the day.

The guidance states “When a child is already attending school, there is a range of circumstances where their health needs can and should be managed by the school so that they can continue to be educated there without the need for the intervention of the local authority. Home schools would usually provide support to children who are absent from school because of illness for a shorter period, for example when experiencing chicken pox or influenza. The ‘Supporting pupils at school with medical conditions’ guidance outlines the expectations for schools in this respect. Schools also need to be aware of their responsibilities when mental health issues are impacting on a child’s attendance. 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.”

The guidance sets out that local authorities must secure suitable full-time education for children of compulsory school age who would not receive an appropriate education because of physical or mental health needs without such provision.

The local authority is required to put suitable education in place as soon as it becomes clear that a child will be unable to attend school for 15 days or more, whether in a continuous period or across a number of absences.

The law does not define full-time education, however, children with health needs should receive provision equivalent to the education they would normally access in school. Where education is delivered through one-to-one tuition, the number of hours may be reduced as the provision is more intensive.

6. Section 19 By Reason of Exclusion

Where a child is identified as being at risk of exclusion, it is expected that North East Lincolnshire Councils Exclusion Policy is followed to ensure that appropriate preventative strategies and support are in place and being regularly reviewed.

Suspension or permanent exclusion should only be used as a last resort, as a protective measure in response to serious or ongoing breaches of the school’s behaviour policy, and where the child’s continued presence in school would have a significant negative impact on the education or welfare of others.

In the case of a permanent exclusion, the school is responsible for arranging suitable fulltime education for the immediate 5 school days following the exclusion, the local

authority must arrange suitable full-time education to commence from the sixth school day following the exclusion.

For all suspensions and permanent exclusions, schools are required to notify the local authority without delay. In Lincolnshire, this notification is expected within 24 hours of the exclusion being issued.

For fixed term exclusions (suspensions), responsibility for arranging suitable provision remains with the school's governing board, in accordance with Section 100 of the Education and Inspections Act 2006.

7. Section 19 Provision

Section 19 Provision provides temporary educational support for children who are unable to attend school due to medical reasons. Its purpose is to minimise disruption to learning for children who are physically unwell, injured, or experiencing mental health difficulties, and to support a smooth return to school when their health allows.

Where possible, schools should continue to provide education for children with health where they are able to attend. In many cases, schools are able to meet these needs without local authority involvement. For shorter-term absences, such as those caused by common illnesses, schools would typically provide appropriate support in line with the *Supporting Pupils at School with Medical Conditions* guidance.

Schools should also be mindful of their responsibilities where mental health impacts on a child's attendance. Local authority involvement is not required unless there are concerns that the education being provided is unsuitable.

In addition, schools have a duty under regulation 12(1)(a) of the *Education (Pupil Registration) (England) Regulations 2006* to provide the local authority, at agreed intervals, with details of children of compulsory school age who are not attending regularly, including where this is due to health needs.

Section 19 Provision tuition will be considered if:

- The child has been, or is expected to be, absent for at least 15 school days
- The child lives within North East Lincolnshire
- The child is of compulsory school age

It is the responsibility of the requestor to supply supporting medical evidence as part of the referral. Referrals must also clearly state the anticipated duration of medical home tuition to support effective planning for the child's reintegration into their school setting.

Upon receipt of:

- Completed Section 19 referral form
- A copy of the child's Individual Support Plan and/or Individual Healthcare Plan along with relevant reviews and actions plans
- Agreement of the Headteacher in writing
- Agreement from Parent/Carer in writing
- Evidence of Multi Agency Working (e.g. Team Around the Family)
- Graduated Response and supporting evidence from school
- A letter from a Clinical Psychologist, Psychiatrist, or Consultant Paediatrician if involved (recommendations from other healthcare professionals will also be considered) confirming the need for this provision. This should include an indication of the expected duration of support.

This Provision offered may include:

- one to one tutoring in person, located in the child's home or other suitable venue (suitable venue must be appropriately risk assessed)
- remote tutoring (child must be at home)

Tutors of any Section 19 provision will maintain effective communication with the child's home school or academy, ensuring regular reviews inform decisions about learning, progress, and wider social and emotional wellbeing. This includes supporting the child to remain connected to their school community and, wherever possible, maintaining contact with peers.

The child's school or academy retains overall responsibility for the child's education. This includes providing curriculum information, resources, assessment details, and a named member of staff to co-ordinate support and liaise with the tutor. Schools should also facilitate ongoing communication with the child and family, and arrange opportunities for the child to remain engaged with school life, such as attending events or accessing lessons remotely where appropriate.

The child must remain on roll at their home school, which retains primary responsibility for their education.

8. Named Officer

In North East Lincolnshire, the 'Named Officer' delegated responsibility for arranging education for children who cannot attend school because of health needs is the 'Inclusion Lead Officer'. Direct contact can be made via email to section19@nelincs.gov.uk

For support around meeting a child's health needs in school please contact the School Nursing Service via e-mail schoolnursingadvice@nelincs.gov.uk

9. Process For Considering Requests

All Section 19 requests should be submitted via email to section19@nelincs.gov.uk

The Local Authority will consider each case individually, based on evidence provided and a child's specific circumstances.

The decision to put in place Local Authority provision as a result of a Section 19 request will be based on information provided by schools, parents and professionals, alongside evidence of the child's ability to access suitable education and whether this is already being provided. All decisions will be clearly recorded, kept under regular review, and subject to appropriate governance arrangements.

Step 1. Request considered at Panel

- Upon receipt of a Section 19 request, a panel (Section 19 Panel) consisting of the Local Authority Inclusion Lead, Local Authority SEND Service Manager, the School Nursing Lead and a Children's Services Commissioner will be convened to consider the request. Where appropriate, a child's social worker and the Virtual School Head will be requested to attend.

Step 2. Outcomes

- Agreed – Proceed to Step 3
- Not agreed at this time – no further action

- Multi-agency meeting needed to consider request - If request is successful following the multi-agency meeting, proceed to Step 3

Step 3. Agreed

- Alternative Provision to be arranged by most relevant agency – as agreed by Section 19 Panel.

Timescales

- We aim to acknowledge receipt of a Section 19 request within 5 working days.
- Section 19 Panel will be convened within 10 school days from the date the Section 19 request is received.
- The outcome of the Section 19 Panel meeting will be communicated within five school days from the date the Section 19 Panel was held.

Where a child has an EHCP, an annual review should be held in compliance with the SEND Code of Practice prior to submitting the request. The Section 19 Panel will convene to assess the request, which will pass through the necessary channels within North East Lincolnshire Council's SEND Service. Please note: timescales for this may differ from the above in order to ensure the Service adhere to the SEND Code of Practice.

10. Roles and Responsibilities

10.1 Local Authority (NELC)

- Determine whether the Section 19 duty applies
- Arrange suitable alternative provision
- Ensure provision is appropriate, high quality and safeguarding compliant
- Monitor attendance, progress, and outcomes
- Review provision regularly
- Support reintegration planning

10.2 Schools

- Provide education where possible before Section 19 is triggered
- Identify early risk of absence and take action

- Notify the Local Authority where suitable education cannot be secured
- Retain the child on roll (unless permanently excluded)
- Lead regular reviews and reintegration planning
- Support continuity of learning and assessment
- Work with families and partners to explore all reasonable adjustments and support
- Exhaust available interventions before requesting Section 19 provision
- Ensure that Section 19 is not used as an alternative to appropriate in-school support

10.3 Parents/Carers

- Support their child's engagement with education
- Work in partnership with schools and the Local Authority
- Provide relevant information to support planning

11. Quality Assurance and Oversight

North East Lincolnshire Council will:

- Commission provision through approved providers or internal services
- Monitor quality, attendance, and outcomes
- Undertake regular review meetings
- Take action where provision is not meeting expected standards

12. Monitoring and Review

All cases will be reviewed regularly through appropriate panels or governance structures. This should be a joint exercise with the home school to ensure appropriate oversight of the child's education.

Reviews will consider:

- Progress and engagement
- Suitability of provision
- Reintegration planning

Where provision is not meeting expected standards, timely action will be taken to review, amend, or cease commissioning arrangements.

The provision will be reviewed with the option to amend or cease if the child fails to attend scheduled sessions without necessary medical evidence, if medical evidence no longer supports the need for the provision, or if there are circumstances that mean the provision would not meet the extended standards for health and safety of the service.

Appendix One – Section 19 Education Provision Pathway

