
**Education and Children's Services Scrutiny Board (2)
Cabinet**

13 March 2025
18 March 2025

Name of Cabinet Member:

Cabinet Member for Education and Skills – Councillor K Sandhu

Director approving submission of the report:

Director of Children and Education

Ward(s) affected: All

Title: Supporting Children Who are Unable to Attend their Education Setting under Section 19 of the Education Act 1996

Is this a key decision? No

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive summary:

Section 19 of the Education Act 1996 places a duty on Coventry City Council (the Council) 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.' This applies to all such children who are resident in the area, whether they are on the roll of a school, and whatever type of school they attend.

This means that where a child cannot attend their educational setting because of a physical or mental health need, or due to an exclusion, or for any other legitimate reason, the local authority is responsible for arranging suitable provision.

The legal duty applies to children of compulsory school age (5-16 years) who would normally attend schools, including academies; free schools; special schools; alternative provision and independent schools. The legal duty does not apply to children under compulsory school age or who will cease to be of compulsory school age within the next six weeks and does not have any relevant examinations to complete.

All local authorities should have a written, publicly accessible Policy Statement on their arrangements for complying with the Section 19 duty. The purpose of this new Policy is to ensure the Council has an integrated Policy under the Section 19 Duty (permanent exclusion, ill health and otherwise) that complies with legal duty.

The Policy (Appendix A) sets out the Council's approach to meeting the needs of children of compulsory school age for whom it has a legal responsibility to provide an education, but who for reasons relating to illness, exclusion from school or other reasons experience barriers to accessing a full and suitable education offer. This Policy will provide greater clarity to schools and parents/carers as to when the duty should apply, and confirmation regarding the Council's approach.

Prior to implementing provision under Section 19, the Council would expect schools to have fulfilled their legal obligations and followed statutory guidance, such as the graduated response set out in the SEND Code of Practice, and to have made reasonable adjustments required under the Equality Act 2010.

The Policy sets out the decision-making process which the Council will use to determine when it has a duty to make provision under Section 19, and the type of provision that the Council will make in order to comply with Section 19 duties.

This provision may include, but is not limited to:

- the Council advising and supporting schools to make reasonable adjustments where it considers that the child/young person could be appropriately supported to receive education and/or attend school,
- the Council securing Alternative Educational Provision.

Recommendations:

The Education and Children's Services Scrutiny Board (2) is recommended to consider the report and make any comments and/or recommendations to the Cabinet at their meeting on 18 March 2025

Cabinet is recommended to:-

- a) Consider any comments and/or recommendations received from the Education and Children's Services Scrutiny Board (2)
- b) Approve the Policy and approach for supporting children who are unable to attend their education setting under Section 19 of the Education Act 1996
- c) Delegate authority to the Director of Children and Education Services and the Director of Finance and Resources to oversee, monitor and implement the Policy.

List of Appendices included:

The following appendices are attached to the report:

Appendix 1 – Supporting Children who are unable to attend their education setting (Section 19 of the Education Act 1996) Policy.

Appendix 2 – Equality Impact Assessment

Background papers:

- The Education Act 1996
- The Equality Act 2010
- 'Alternative Provision' Statutory Guidance (2013)
- The Children and Families Act 2014
- 'Supporting pupils at school with medical conditions' Statutory Guidance (2015)
- SEND code of Practice (2015)
- 'Arranging education for children who cannot attend school because of health needs' Statutory Guidance (2023)
- Summary of responsibilities where a mental health issue is affecting attendance' Guidance (2023)
- Out of School. Out of Sight LGSCO Focus Report (2023)
- 'Suspension and Permanent Exclusion Guidance' (2024)
- 'Working together to improve school attendance' Guidance (2024)
- 'Providing remote education' Guidance (2024)
- 'Arranging Alternative Provision (2025)

Other useful documents

[Extended School Non-Attendance Advisory Panel \(ESNAAP\) – Coventry City Council](#)

Has it or will it be considered by Scrutiny?

Yes -Education and Children's Services Scrutiny Board (2) - 13th March 2025

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Supporting Children Who are Unable to Attend their Education Setting under Section 19 of the Education Act 1996

1. Context (or background)

- 1.1 In August 2024, the Department for Education (DfE) introduced new statutory guidance for schools and LAs, 'Working Together to Improve School Attendance' the DfE also updated other relevant guidance documents including, the Suspension and Permanent Exclusions Guidance. This guidance sits under Section 19 of the Education Act 1996, which 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.' This applies to all such children who are resident in the area, whether they are on the roll of a school, and whatever type of school they attend.
- 1.2 All local authorities should have a written, publicly accessible Policy statement on their arrangements for complying with the Section 19 duty. The Council has had arrangements and process in place for delivering Section 19 duty including through the InspirED Service (formerly Hospital Education), but these arrangements are not currently included in an approved Policy. This Policy will, therefore:
 - provide clarity regarding roles and responsibilities of schools, the Council and other agencies (including financial).
 - ensure that all Children and Young People (CYP) have access to a suitable, full-time education which meets their individual needs
 - ensure, when a child of compulsory school age is unable to access their educational setting due to illness, exclusion or otherwise, the Council complies with its duty under section 19 of the Education Act 1996 to ensure suitable provision for them.
- 1.3 The Council seek to deliver their statutory duty of securing 6th day provision for children and young people who are excluded from school through the use of the Fair Access Protocol, Keys Intervention, Coventry Alternative Provision Academy and/or other registered Alternative Provision. The existing arrangements will continue and there is some further information below on work underway in the city to provide early intervention and support for children and young people at risk of permanent exclusion.
- 1.4 Based on current information it is expected that the numbers of children unable to access educational provision due to illness or otherwise, where Section 19 duty applies, will be low. Notwithstanding, following the Covid 19 pandemic there has been an increase (nationally and locally) in the number of children and young people missing education, as evidenced through published school attendance information.
- 1.5 The Local Authority currently operate an advisory panel for children with extended non-attendance at school (ESNAAP). The purpose of the panel is to consider action taken by schools to support children and young people and, where appropriate, recommend additional support, either through the LA's in-house provider; InspirED

Pathways or another provider of alternative provision (AP) procured via the Coventry Alternative Provision framework.

- 1.6 Between September 23 and February 25 on average the panel received 15 referrals per month, and approximately 4 young people per month have received support from InspirED Pathways. In addition, in the current academic year a total of 23 children and young people were brought to the attention of the Local Authority as potentially requiring provision under Section 19. As of February, one has been identifying as meeting criteria for Section 19 and a further three cases are in the process of being decided.
- 1.7 As part of the SEND inspection framework in use from early 2023 there have been a series of thematic inspections focusing on alternative provision to consider whether the approach to commissioning and overseeing alternative provision arrangements for children and young people in the local authority area meets the duties as set in in section 19 of the Education Act 1996. The Thematic Review report was published in February 2024 and found that a lack of national standards and a lack of clarity on responsibilities for alternative provision commissioning and oversight is leading to inconsistent and ineffective practice. The DfE 2023 SEND and AP Improvement Plan proposes an integrated system to plan and commission support for children.
- 1.8 In Coventry there is a clear provider framework and an effective service that monitors and oversees alternative provision. Under the revised Policy, the Council can secure Section 19 provision from a wider range of providers, through Coventry's Alternative Provision (CAP) Graduated Model of Support, which is overseen by the Coventry Education Partnership.
- 1.9 The Coventry Education Partnership is made up of local organisations including the Local Authority and schools. It is committed to ensuring that all children and young people have access to high-quality education and the necessary support to thrive. The Partnership's vision is to equip young people with the skills, qualifications, knowledge, and experiences essential for their success in education and transition to adulthood.
- 1.10 The Coventry Alternative Provision (CAP) Graduated Model of Support enables young people to remain in mainstream education wherever possible. This model, overseen and supported by a multi-agency panel and independent chair, provides universal support as part of a broad and varied curriculum, targeted interventions, time-limited programmes and transitional support placements in alternative provision focused on reintegration into mainstream education or a suitable post-16 destination.
- 1.11 Underpinning this model will be a 'Belonging Strategy and Training Pathway for all schools across Coventry to operate within. Through this framework and belonging approach, the Partnership aims to improve opportunities for disadvantaged children and young, increasing their engagement and improving their academic, social, and emotional development; in turn resulting in reduced suspensions, exclusions, and persistent absence.
- 1.12 By ensuring the right support is in place at the right time, the Education Partnership is committed to reducing the number of students missing out on full-time education and

improving successful reintegration into mainstream settings after alternative provision interventions.

2. Options considered and recommended proposal

- 2.1. A Section 19 Policy is required to ensure compliance with statutory duty.
- 2.2. The Council could have continued to operate current arrangements without a formal Policy, but this approach could leave the Council open to challenge (including legal) as there is a lack of clarity regarding roles and responsibilities of schools, the Council and other agencies, which in turn may impact on our ability to ensure the Council complies with its duty under Section 19 of the Education Act 1996 regarding suitable provision.
- 2.3. It is therefore recommended that the Policy at Appendix 1 is adopted.

3. Results of consultation undertaken

- 3.1. Prior to implementation of the current arrangements (described above in Section 1), consultation was undertaken with a range of stakeholders, including parents, carers and young people; school leaders and professionals from across Education, Health and Care. The consultation identified three principal aims, which underpin the Council's work in this area:
 - Promoting wellbeing, happiness and an optimistic outlook for all
 - Offering compassionate, person-centred support to students whose attendance is beginning to fall
 - Nurturing the resilience of children and young people who are not attending school and helping them to re-engage with learning.
- 3.2. Outcomes from the consultation were published in 2021 and underpin current Council guidance to schools. The current Policy formalises these arrangements.
- 3.3. A Secondary Education Partnership Working Group have overseen the current Behaviour and Alternative Provision arrangements in place since September 24. This group continues to shape the work discussed in Section 1.
- 3.4. The implementation of the Section 19 Policy has been discussed at Education Partnership meetings in February 2025. The Education Service will continue to work in partnership with stakeholders in the city to implement the new arrangements.

4. Timetable for implementing this decision

- 4.1. Once approved, the Council will implement the Policy and new arrangements from the 1st April 2025. As highlighted above, this will be done in partnership with relevant stakeholders in the city.

5. Comments from Director of Finance and Resources and Director of Law and Governance

Financial Implications

- 5.1. When the Council has determined that Section 19 applies, alternative provision for children with medical needs and children who have been permanently excluded is funded from the High Needs block within local authorities Dedicated Schools Grant (DSG) budgets.
- 5.2. However, where a child remains on the roll of their home school but requires a period of time in alternative provision due to their health needs, the local authority will seek to recover from the home school a proportionate amount of the school's funding associated with that child to support with funding the provision. This ensures 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.
- 5.3. Where a pupil leaves the roll of their home school due to permanent exclusion, or they leave the roll of a mainstream school for reasons other than a permanent exclusion resulting in them receiving education funded by the local authority, a mandatory funding adjustment is made. Details of these adjustments are set out in the 'Redetermination of budgets' section within the Schools Operational Guide, a link to which can be found [here](#).
- 5.4. As part of the annual consultation on High Needs Block funding with Schools Forum in March we will ask them to endorse the financial implications associated with this Policy. Further work will be carried out to review funding arrangements across all elements of alternative provision to ensure alignment.
- 5.5. All local authorities should have a written, publicly accessible Policy statement on their arrangements for complying with the Section 19 duty. This Policy is not proposing any savings. However, the intention is for it to provide more clarity and facilitate robust decision making, both from an educational and financial perspective. The financial implications will be managed within the overall High Needs budget setting / monitoring process, and the impact will be closely monitored post implementation.
- 5.6. Nationally and locally the High Needs block is an area of pressure due to increasing SEND demand, alongside increasing numbers of children absent from school due to permanent exclusions and other reasons. Coventry currently has a DSG surplus, but in line with national trends it is continuing to experience significant growth in the overall number of Education Health and Care Plans (EHCP's). It is therefore key that the Council monitors the overall High Needs position and manages resources effectively to ensure that it remains within funding allocations as far as is possible.

Legal Implications

- 5.7. In August 2024, the Department for Education (DfE) introduced new statutory guidance for schools and LAs, 'Working Together to Improve School Attendance' the DfE also updated other relevant guidance documents including, the Suspension and Permanent Exclusions Guidance, so there was a requirement to review our approach.
- 5.8. As a result, all local authorities are required to have a written, publicly accessible Policy statement on their arrangements for complying with the Section 19 duty.

- 5.9. The Policy complies with this requirement provides and provides clarity that Section 19 referrals for children on roll at a school will be made via a statutory sickness return which schools now have to complete if a child has been absent for 15 days, either cumulatively or continuously in an academic year. Similarly, the Policy confirms the process for children not on a school roll, who to contact when Section 19 may apply.
- 5.10. The Policy sets out outcomes, which may include, but are not limited to:
- the Council advising and supporting schools to make reasonable adjustments where it considers that the child/young person could be appropriately supported to receive education and/or attend school,
 - the Council securing Alternative Educational Provision
- 5.11. The Policy clearly sets out that all provision under Section 19 will be regularly reviewed at a minimum level of every 6 weeks. The council will work with all parties to consider the appropriateness of the child returning to their host school wherever possible, with the child's best interests being at the heart of all decision making.
- 5.12. Outcomes for children and young people, the length of the support provided under Section 19 and spend will be closely monitored under the new Policy.

6. Other implications

How will this contribute to the One Coventry Plan?

- 6.1. The Policy directly addressed the overarching vision of the One Coventry Plan to improve the lives of those who live and study here.
- 6.2. The Policy delivers against the priority of tackling inequalities within our communities; outcomes for children with extended non-attendance from school are known to be significantly lower than those for children with high attendance. Low attendance affects not just academic attainment but also the mental health of children and their families.
- 6.3. The Policy will also help to improve economic prosperity. This is because low attendance and the mental health needs that accompany it create challenges for parents to sustain employment. Supporting families earlier through Section 19 provision will reduce the likelihood of situations reaching this point.

How is risk being managed?

- 6.4. The implementation of a Policy and clarity of roles and responsibilities means there is a risk that there will be increased requests for support particularly in relation to illness and otherwise. This will be managed in line with the continuum of statutory guidance and legislation in relation to pupils absent from school, and particularly the recent statutory guidance 'Working together to improve school attendance' Guidance (2024).

What is the impact on the organisation?

- 6.5. The duties in relation to Section 19 will be delivered within existing staffing resource. The Education Management Restructure implemented in February 2025 amended existing posts and introduced a Lead for Children Absent from Education role which will be the Council's named officer for this area - a requirement of the statutory guidance. This role reports to the Head of Education Entitlement and Enrichment Services which has wider responsibility for Attendance, Children missing Education, Behaviour and Coventry Alternative Provision.

Equalities / EIA?

- 6.6. Legislation requires the council to undertake Equality Impact Assessments (EIA) on its functions; policies, strategies, plans and decisions. An EIA has been undertaken for the new Policy, which has identified that the Policy will have a positive impact for children aged 0-18, particularly those with a disability.
- 6.7. Further information will be gathered to confirm the impact of the Policy on race, religion, sexual orientation and gender reassignment. The relationship between these characteristics and school-non-attendance is complex, however, it is anticipated that the Policy - which facilitates access to education - will have a positive impact for children and young people who have experienced difficulties attending school which relating to one of the above protected characteristics. A copy of the EIA is included at appendix 2.

6.8. Implications for (or impact on) climate change and the environment?

None.

Implications for partner organisations?

- 6.9. The current arrangements for have a panel that is made up of professionals from:

- Coventry's SEND team,
- Attendance and Children Missing Education team,
- InspirED Pathways,
- Coventry Alternative Provision,
- the Education Psychology Service,
- Early Help and Health.

The panel currently meets once a month to discuss referrals and agree on the advice and guidance to be given to each school for their consideration.

The new Policy and arrangements will continue to have a panel approach and will continue to require support from the same colleagues and organisations.

Report author(s):

Name: Rachael Sugars

Title: Strategic Lead - Education

Service Area: Children and Education Services**Tel and email contact:** Email: Rachael.Sugars@coventry.gov.uk

Enquiries should be directed to the above person

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Law and Governance	14/02/25	14/02/25
James Gillum	Head of SEND	Education	14/02/25	20/02/25
Faye Parklen	Head of Education Entitlement & Enrichment	Education	14/02/25	20/02/25
Jo Monk	Lead for Children Absent from Education	Education	14/02/25	20/02/25
Claire Coulson Haggins	Team Leader and Solicitor – People Team	Legal	14/02/25	20/02/25
Hayley Greaves	Lead Accountant – Education	Finance	14/02/25	20/02/25
Names of approvers for submission: (officers and members)				
Finance: Sarah Kinsell	Finance Manager	Finance	20/02/25	21/02/25
Legal: Julie Newman	Director of Law and Governance	Law and Governance	20/02/25	21/02/25
Director: Sukriti Sen	Director of Children's and Education	Children's & Education	20/02/25	21/02/25
Members: Cllr Kindy Sandhu	Cabinet Member for Education and Skills		20/02/25	24/02/25

This report is published on the council's website: www.coventry.gov.uk/meetings