

# Nottingham City Council

**Education Act 1996**

## **Section 19 Policy**

**Supporting children and young people  
who are unable to attend their  
educational setting**

Publication date	November 2025
Related legislation/applicable section of legislation	<a href="#">Education Act 1996 – Section 19</a> <a href="#">The Equality Act 2010 – Section 85</a> <a href="#">The Children and Families Act 2014</a> <a href="#">‘Arranging Alternative Provision’ Statutory Guidance (2025)</a> <a href="#">‘Arranging education for children who cannot attend school because of health needs’ Statutory Guidance (2023)</a> <a href="#">‘Suspension and Permanent Exclusions’ Statutory Guidance (2023)</a> <a href="#">‘Working together to improve school attendance’ Statutory Guidance (2024)</a> <a href="#">‘Summary of responsibilities where a mental health issue is affecting attendance’ Guidance (2023)</a> <a href="#">‘Providing remote education’ Guidance (2023)</a> <a href="#">‘Out of school, out of sight?’ LGSC Ombudsman Focus Report (Aug 2023)</a>
Related policies, strategies and guidance documents	SEND and Inclusion Strategy Attendance Improvement Strategy Children Missing Education Policy Graduated Approach to support children with SEND Fair Access Policy
Owner of document	Jennifer Hardy, Interim Head of Access to Learning
Policy author	Anna Glozier, Complex Case and Placement Panel Manager
Who is the document for?	Schools, academies, parents, carers, practitioners
Date strategy last reviewed?	October 2025
Date of next review	July 2028

## Table of Contents

<b>Introduction.....</b>	<b>4</b>
<b>Part A - Key points from the legislation and guidance.....</b>	<b>6</b>
<b>Part B – Circumstances not covered by the Section 19 duty .....</b>	<b>8</b>
<b>Part C - Section 19 duty arising from permanent exclusion .....</b>	<b>9</b>
<b>Part D - Section 19 duty arising from illness or other reason .....</b>	<b>11</b>
<b>The Education Welfare &amp; EOTAS Service.....</b>	<b>12</b>
<b>Nottingham City Council’s Named Officer.....</b>	<b>13</b>
<b>The Complex Case and Placement Panel.....</b>	<b>14</b>
<b>Flow Chart for children not attending education for health reasons.....</b>	<b>17</b>
<b>Part E – Children and young people who are not compulsory school age .....</b>	<b>18</b>

## Introduction

Nottingham City Council is committed to ensuring every child has the best start in life, supporting them to thrive academically, emotionally and physically while protecting the most vulnerable, as set out in the [2025 – 2029 Council Plan](#).

This policy outlines the Council's legal duties to children of compulsory school age who, for by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

### **The policy seeks to address the following aims:**

- Our aim is for all children and young people to receive a suitable, full-time education which meets their individual needs to enable them to thrive and fulfil their dreams and aspirations. This policy will outline how schools can support young people to remain in full time, mainstream education wherever possible and link to a wide range of support available in Nottingham.
- When a child of compulsory school age is unable to access their educational setting due to illness, exclusion or otherwise, the Council must consider whether it has a duty under section 19 of the Education Act 1996 to make suitable provision for them. This policy will set out how we make that decision and what happens next.
- All children and young people must receive a good education, regardless of their circumstances or the settings in which they find themselves. Where the Council has a duty to secure alternative provision, this must appropriately meet the individual needs of the child and enable them to achieve good educational attainment on par with their mainstream peers. This policy will set out how we will do this.

### **The following principles underpin this policy:**

- Children should attend their school wherever possible – school attendance can significantly improve wellbeing
- Communication between home and school should be open, honest, and timely. All school policies should state clearly who parents should contact if they have a concern
- Schools should listen to the voice of the child and the parents to understand the reasons behind absence and what they need to return to school

- School should make every reasonable adjustment to help a child to continue to attend school or continue to engage in education
- Professionals should work together to create plans that enable a child to engage in education
- School leaders should consult at the earliest opportunity with health and social care professionals, children and parents to understand and support the child's needs.

## Part A - Key points from the legislation and guidance

1. **Section 19 of the Education Act 1996** requires local authorities to make arrangements to provide '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 suitable education unless such arrangements are made for them'.
2. This applies to all children of compulsory school age resident in the local authority area, whether or not they are on the roll of a school, and whatever type of school they attend.
3. Suitable education is defined as 'efficient education suitable to the age, ability, aptitude and to any special educational needs', the child (or young person) may have. The education must be full time unless the local authority determines that it would not be in the best interests of the child or young person, due to their mental or physical health. Good alternative provision is that which appropriately meets the needs of pupils which require its use and enables them to achieve good educational attainment on a par with their mainstream peers.
4. The Department for Education (DfE) statutory guidance 'Arranging education for children who cannot attend school due to their health needs', states that, 'The law does not define full-time education but children with health needs should have provision, where possible, which is equivalent to the education they would receive in a mainstream school'.
5. Remote education should only be used as a last resort when the alternative would be no education. The DfE recognises that remote education has a role to play for children with health needs and can have the benefit of allowing children away from school to keep on track with their education.
6. Full-time education for excluded pupils must begin no later than the sixth day of the exclusion. For children who are permanently excluded, this duty falls to the local authority.
7. **Section 61 of the Children and Families Act 2014** allows local authorities to arrange for special educational provision for a child or young person to be made outside of a school or post-16 institution. (Also known as EOTAS)
8. Under **The Equality Act 2010 Section 85**, schools must consider whether they need to make any reasonable adjustments to provide suitable access for a child whose condition amounts to a disability. DfE funded Council for

Disabled Children advice to schools reminds that to treat everyone the same, for example to apply the school's rules and procedures on behaviour management regardless of disability, is to **discriminate** against a pupil whose disabilities call for a proportionate response, or adjustments, to be made.

9. **Section 100 of the Children and Families Act 2014** requires the appropriate authority for a school (governing body or board of trustees) to make arrangements for supporting pupils at the school with medical conditions. The DfE has issued a suite of statutory guidance for meeting this duty, including where mental health issues are impacting on a child's attendance.
10. Schools should always continue to provide education to children with health needs who can attend school. Schools would usually provide support to children who are absent from school because of illness for short periods of time, for example when experiencing chicken pox or flu. Schools are also expected to manage longer-term absences through the use of remote or online learning packages etc. 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.
11. When a school or professional recognises that a child's health needs are impacting on their ability to engage with their normal educational offer, they should arrange to meet with the child to capture their voice, and the parent/carer as soon as possible. They should consider an attendance improvement plan, and suitable referrals to health and family help. This plan should include any help and support for the parent/carer.
12. All schools (including independent schools) are required to make a 'sickness return' to their local authority when they have reasonable grounds to believe a pupil of compulsory school age will miss 15 days consecutively or cumulatively because of sickness.
13. **Parents and carers** remain responsible for ensuring their compulsory school age children receive a suitable, full-time education, and have a duty to **engage with support offered**.
14. When a parent or child recognises that the child's health needs are impacting on their ability to engage with their normal educational offer, they should **approach health services**, such as their GP, and discuss their concerns with the child's school as soon as possible.

## **Part B – Circumstances not covered by the Section 19 duty**

15. Requesting intervention under the Section 19 duty is not an appropriate route for requesting a ‘fresh start’ **move to a different school**. A different school may be sought by parents making an in-year request to the Admissions Service ([In-Year School Admissions or Transfers - Nottingham City Council](#)) or by Supported Transfer arranged via the Fair Access Panel or by discussions between schools and parents without referral to the local authority. The Fair Access Protocol can be found here: [fair-access-protocol-sept-2021-web.pdf](#). Parents shouldn’t be pressured to accept a school move to avoid the risk of permanent exclusion or other sanctions.
16. Requesting intervention under the Section 19 duty is not an appropriate route for **resolving disagreements** between families and schools. Should **parents, or the child themselves**, be dissatisfied with the support provided by the school for their child’s health needs (including mental health needs), they should **discuss their concerns directly with the school**. If, for whatever reason this does not resolve the issue, they may make a formal complaint via the school’s complaints procedure. It will be relevant to consider whether the school has failed to comply with any legal obligation placed on it, for example by the Equality Act 2010 Section 85. Information about appealing against a school for breach of the Equality Act 2010 can be found here: [Complain about a school: Disability discrimination - GOV.UK](#). Ultimately, parents (and the child) will be able to take independent legal advice and bring formal proceedings if they consider they have legitimate grounds to do so. If parents / carers have any specific concerns, they should raise them with the academy or trust directly using the appropriate **complaints procedure** which should be outlined on the respective website. If the family don’t think their concerns have been adequately addressed, they may also wish to raise their concerns directly with the Department for Education via the following link - <https://www.gov.uk/complain-about-school>



### Part C - Section 19 duty arising from permanent exclusion

17. Nottingham City has historically had very high rates of permanent exclusion compared to the national rate of exclusion and the rate of exclusion across the East Midlands Local Authorities. The City's SEND, AP and Inclusion Strategy outlines steps being taken to reduce the rate of exclusion in Nottingham.

18. When a child is **permanently excluded from school**, the council must make arrangements for them to access full time education from the 6<sup>th</sup> day of their exclusion. In all cases, the education must be arranged as soon as possible to minimise the disruption to the pupil's education. It can be very challenging to meet the **6<sup>th</sup> day provision** timelines due to a variety of factors outside the local authority's control.

19. When a Nottingham City resident child is permanently excluded:

- The school must notify the parent or carer on the day of the exclusion and give the reasons why they are permanently excluding the child. School must also notify the Governing Body of the school on the same day. Information about what to expect when a child has been permanently excluded from school can be found on our webpage: <https://www.nottinghamcity.gov.uk/information-for-residents/education-and-schools/education-welfare/exclusions-from-school/>
- The excluding school must notify the local authority without delay, and any Social Workers or other practitioners supporting the child must also be notified by the excluding school.
- When the local authority is notified of a permanent exclusion, the information will be reviewed by the Fair Access and Exclusions Manager and the exclusion information will be sent to [Raleigh Education Trust](#).
- The admissions team at Raleigh Education Trust will review the exclusion paperwork, arrange to meet the child's parent or carer, and the excluding school, and invite the child to a meeting to understand their learning levels, interests and goals.

20. Following this brief period of assessment, Raleigh Education Trust and the Fair Access and Exclusion Manager for the Council will determine the best educational offer for the excluded child. This will either mean the child is placed on roll at [Denewood Academy](#), a 70 place AP Academy located in

Nottingham, or they will be placed on roll at [Unity Academy](#). Children who go to Unity Academy are educated in Alternative Provisions. This can either be a full-time place with one provider or two places shared across the week with two different Alternative Provisions.

21. We will always aim to reintegrate pupils from Denewood or Unity Academy back in to mainstream school where appropriate.

#### Part D - Section 19 duty arising from illness or other reason

22. Schools should provide support to children who are absent from school because of illness for short periods of time, for example when experiencing chicken pox or flu. Schools are also expected to manage longer-term absences through the use of remote or online learning packages etc. Schools should have a publicly accessible policy that sets out how they will support pupils with health needs, provides a key contact for parents if they need support.
23. In most cases health needs can be met by the child's school without the need for intervention from the local authority, including, but not limited to, school making reasonable adjustments to allow the child to attend school, school making arrangements for the child to receive education offsite, or school actively supporting the arrangements for the child being educated in hospital.
24. 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.
25. Schools should make a 'sickness return' to the local authority, providing the full name and address of all pupils of compulsory school age who have been recorded with code I (illness) and who the school has reasonable grounds to believe will miss 15 days consecutively or cumulatively because of illness. In line with statutory guidance, a sickness return is required whether or not the school requires support to make suitable education arrangements. If support is required, this should be indicated clearly. The **Sickness Return Form** is available to schools via the dedicated web pages or via the email address [business.support.ews@nottinghamcity.gov.uk](mailto:business.support.ews@nottinghamcity.gov.uk).
26. If a child is unable to attend school because of illness, and suitable arrangements have not been made for them, the local authority must make alternative arrangements once the child has been **absent for 15 days**, either consecutively or cumulatively. The local authority must consider the individual circumstances of each child and take account of any medical evidence or advice when deciding what arrangements to make.
27. The '**otherwise**' used in the wording of the Act covers a range of circumstances other than illness or exclusion in which it is not reasonably possible for a child to take advantage of any existing suitable schooling.

28. The **Local Government Ombudsman (LGO)** advises that in all cases, local authorities must consider the individual circumstances of each particular child and be able to demonstrate how they made their decisions. They must take account of all available evidence, and record the reasons for their decisions. They may need to make decisions in cases where they do not have all the evidence they would like.
29. The LGO also advises that just because a child is out of school, the local authority does not necessarily have to arrange alternative education. The local authority must evaluate the options and consider the child's needs. The LA may decide alternative education is not appropriate and provide other forms of support. They should keep plans under review and not allow cases to drift if plans are not successful.
30. Where appropriate, and if the school requires support to do so, the local authority will work with schools and parents to draw up plans to reintegrate children to mainstream education as soon as possible, reviewing and amending plans as necessary.
31. The 'Working Together to Improve School Attendance' guidance clearly sets out the responsibilities of schools to support pupils when their attendance is dipping and this includes support for children with health issues. Schools play a vital role in identifying and supporting health needs in pupils and are responsible for implementing reasonable adjustments to allow children to attend school. A key part of this responsibility includes referring children to partner agencies for more support if needed. This can include a referral to the 0 – 19 Health Service, the Family Help Service, the Mental Health Support Team, the Educational Psychology Service, and the local authority's specialist SEND teaching teams. Nottingham City schools are regularly updated with contact details for **support services and partner agencies**.
32. The **Education Welfare & EOTAS Service** plays a key role in supporting the local authority's statutory duty under Section 19 of the Education Act 1996. They do this by working closely with schools, parents/carers, and partner agencies to identify children who are not attending school, address barriers to attendance, and ensure that children who cannot attend school receive appropriate education have their needs met and welfare safeguarded. Education Welfare Officers and Education Welfare Specialists are professionals who support schools, parents, and students to promote regular

school attendance and tackle barriers to education in line with the 'Working Together to Improve School Attendance' guidance.

33. Education Welfare Officers:

- Work with schools to identify students with irregular attendance and investigate potential reasons for non-attendance.
- Give advice and offer signposting to support services for students with irregular attendance, and liaise with other professionals and agencies to implement support plans for students and their families. This includes working with families who choose to educate their children at home.
- Implement attendance interventions: arranging home visits, telephone calls, multi-agency meetings and formal panels to discuss and address non-attendance.
- Conduct investigations and refer for legal intervention should attendance fail to improve following the Formal Warning Notice and review period, or if they are not satisfied that the child is receiving a suitable education at home or otherwise.

34. Education Welfare Specialists:

- Provide tailored packages of support for schools to help them meet their statutory responsibilities, including developing attendance policies, procedures and intervention strategies.
- Provide expert advice in relation to school absence and Elective Home Education.
- Supervise Education Welfare Officers' cases and manage School Attendance Orders, Education Supervision Orders and Parenting Orders.
- Regularly monitor children's attendance whilst ensuring high standards of intervention, safeguarding and risk management in work with children, young people and families with a diverse range of needs.

35. **Nottingham City Council's Named Officer** holding responsibility for the education of children with health needs is Jennifer Hardy, Interim Head of Service for Access to Learning, who can be contacted via email at: [educationcomplexcase@nottinghamcity.gov.uk](mailto:educationcomplexcase@nottinghamcity.gov.uk).

36. If a child is **not on roll at a school**, which may be due to a variety of reasons other than exclusion, and the usual processes for securing a school place

have not been successful, a parent or a professional from the local authority or partner services can refer to Jen Hardy for support via the Education Complex Case team at the email address above.

37. For pupils **on a school roll**, as soon as it becomes clear the pupil will be away from school for 15 days or more, and the **school require support** with arranging education, or the pupil is too unwell to access the education provided by school, school should make a referral to the Education Complex Case team using the Section 19 Health referral form (available to schools via the dedicated web pages and via the Complex Case email address [educationcomplexcase@nottinghamcity.gov.uk](mailto:educationcomplexcase@nottinghamcity.gov.uk)).

38. The information and supporting documents provided for the referral should demonstrate the **graduated response** followed for supporting the pupil to remain engaged with education. Schools will be expected to have held meaningful and collaborative dialogue with families over time, investigated for **unmet need**, considered a range of **reasonable adjustments** and sought advice from the external specialists and services normally available to schools.

39. Following submission of a complete referral with all the necessary information, the case will be considered at the next **triage meeting** by representatives from the Complex Case management team, the Education Welfare & EOTAS Service, the Educational Psychology Service, the local authority's specialist SEND teaching teams, the Family Help Team, Mental Health Support Teams, and the Nottingham HOPE Academy. The triage meetings are usually held weekly in term time.

40. The **outcomes** from the triage meeting can include:

- Signposting, advice and support back to the school
- Recommendation for a Team around the Family assessment
- Mental Health Improving Attendance Team practitioner allocation
- Support and advice from the Education Welfare & EOTAS Service
- Individualised support from a SEND specialist teams

If none of the above are considered appropriate in the first instance, the case will be moved to the agenda of the Complex Case and Placement Panel.

41. **The Complex Case and Placement Panel** is a group of heads of services and senior officers in education and partner services including health and social

care. This group includes budget holders and those with the power to act. Advice and representation from other agencies is sought where appropriate. The Panel meets at least once a month during term time.

42. In between Panel meetings, additional information is sought and shared by the Complex Case management team, and activity not requiring high level decision-making can take place without waiting for the next Panel meeting. The Complex Case management team provide a central coordination and communication point to support colleagues, but do not replace any existing professionals who are working with families and schools, or take on those professionals' roles.

43. At Complex Case and Placement Panel meetings the following activity takes place:

- **Assessment** of whether the LA has a duty under Section 19 of the Education Act 1996
- Solution-focussed planning
- Assignment of a lead team if appropriate, bearing in mind the additional statutory frameworks of responsibilities towards children in care and children and young people with an Education Health and Care Plan (EHCP).
- record-keeping of Panel decision-making
- Monitoring and review planning

44. The **outcomes** from the Complex Case and Placement Panel meetings are not all conditional on the LA having a duty under section 19, and may include:

- Assessment by an Educational Psychology or other specialist
- Recommendation for a statutory EHC needs assessment
- Support and challenge to schools around meeting their responsibilities under legislation
- Coordinated support for identifying and commissioning appropriate provision
- Evaluation and adjustment of financial support from the High Needs Budget (HLN)

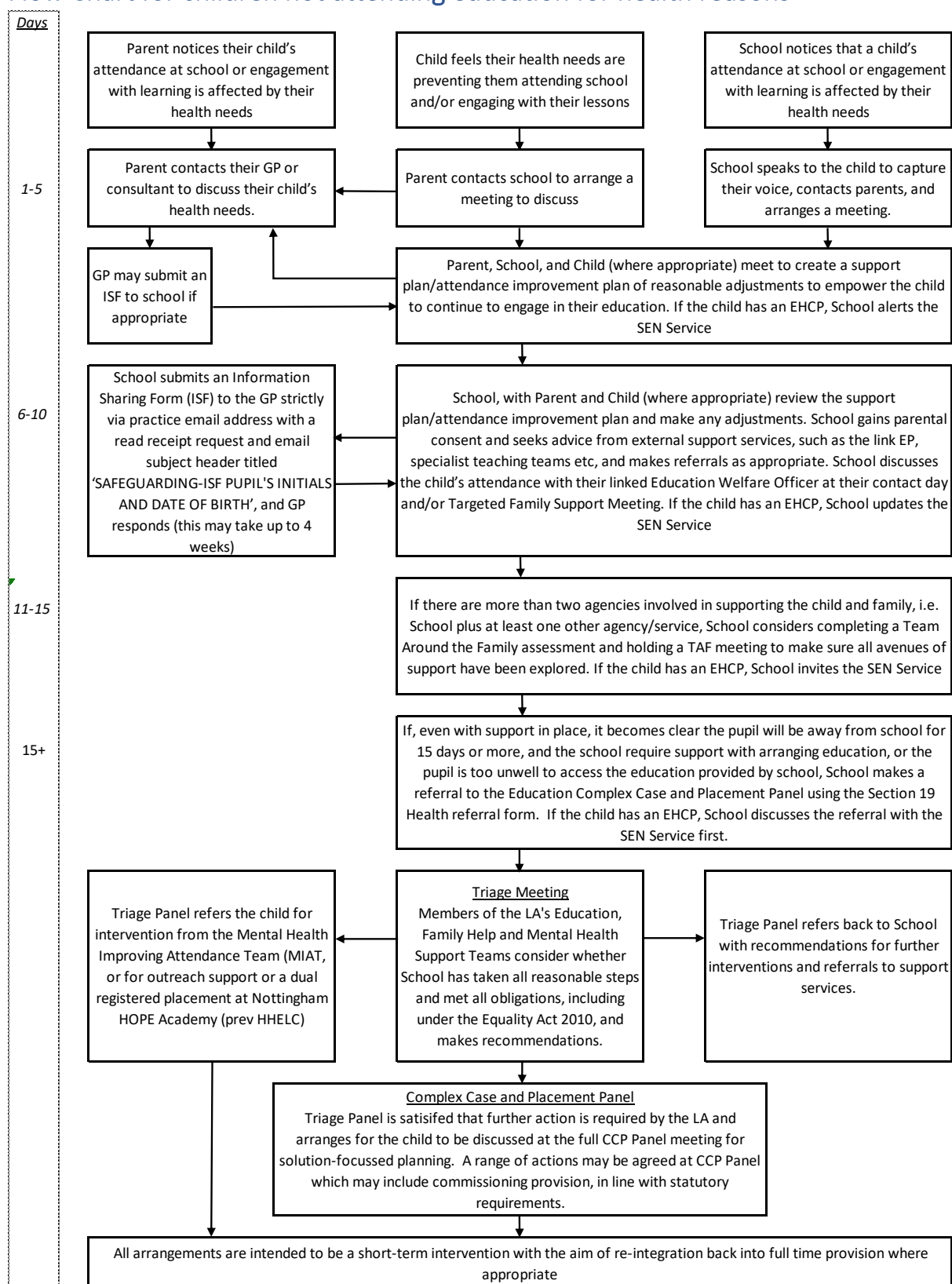
- Assignment of enhanced input from a specialist team, which may include advice and support from Nottingham HOPE Academy (previously known as HHELC)
- Offer of mental health support from MIAT/MHST
- Stepping down from Panel oversight to the lead team, or to school or other provision
- Consideration of legal intervention where parents aren't meeting their duty to engage with support offered
- Formal response to a family making a direct request to the named person (or a representative)
- Placement on the EOTAS roll and suitable, time-limited, alternative provision arranged.

NOTE: Schools cannot refer to the EOTAS roll: if a child is already on roll at a school, the school retains overall responsibility, but the LA will support appropriately, which may include commissioning provision, in line with statutory requirements.

45. Where Nottingham City Council makes arrangements to provide alternative provision, placement decisions will be made by appropriately qualified professionals. All providers used will be **Osted inspected** organisations, or part of a **Council-approved framework** of providers subject to strict quality assurance standards. Placement decisions will be made carefully to meet the individual needs of the child and to enable them to achieve good educational attainment on par with their peers. The purpose of the **EOTAS roll** is to provide **re-engagement** opportunities for children, and wherever possible to support their pathway back to a mainstream setting.
46. The Complex Case management team records a summary of steps taken, decisions made, and advice given by the Panel and shares with partners as appropriate. Case closure reasons and next steps are noted. The support services involved and the EOTAS service are responsible for keeping their own activity and outcomes records.
47. The Complex Case management team provides Panel activity data analysis for service development purposes as required.



## Flow Chart for children not attending education for health reasons



## Part E – Children and young people who are not compulsory school age

48. The Section 19 duty applies to children of compulsory school age, except for those children who will cease to be of compulsory school age within the next six weeks, and do not have any relevant examinations to complete. This section of the policy sets out the support available for:

- children below statutory school age
- children in their last 6 weeks of compulsory school age before the national school leaving date (which is usually the last Friday in June) if they have not been entered for any further public exams or assessments to be taken during those last 6 weeks
- young people aged 16-19 (or up to 25 if they have an Education, Health and Care Plan).

49. The Early Years Team provide citywide 2, 3 and 4 year old funding, advice, support, guidance and training to providers in the Early Years Foundation Stage (EYFS) sector, which includes;

- Private and Independent Day Nurseries
- Pre-Schools
- Childminders
- Out of School Clubs
- Maintained and non-maintained Schools

Training includes statutory (Introduction to the EYFS, Paediatric First Aid, SEND and Safeguarding Children) as well as training related to the prime and specific areas of the EYFS. Foster carers and other providers providing support for children in the EYFS may also access statutory training. Early Years SEND funding, advice and support is also available.

50. Nottingham City's SEND and Vulnerable Pupils service area delivers a wide range of statutory services for children and young people aged 0-19 (or up to 25 if they have an Education, Health and Care Plan) in addition to providing expert advice, support and guidance to schools and education settings, children, young people, and their families. SEND specialist advisory teachers, support staff and educational psychologists support schools and early years providers to assess and understand the individual needs of children and young people and advise on appropriate strategies and interventions as part of the SEND graduated approach.

- 51.Support for mental health and wellbeing for children, young people and adults can be found online at NottAlone: [Mental Health Support Services For People In Nottinghamshire | NottAlone](#). These webpages are easy to use and provide immediate general advice as well as signposting to other organisations and sources of more specific support.
- 52.Support for schools and education settings to facilitate solution focussed multi-agency discussion and action planning support is available from Nottingham City's SEND Teaching Teams and also from the Family Help Partnership Team Around the Family (TAF) Service.
- 53.The Futures advice service [www.futuresadvice.org/employment/16-19/](http://www.futuresadvice.org/employment/16-19/) offers honest and straightforward targeted support to help young people aged 16-18 explore their options, find opportunities and prepare for the future:
- Decision making and career planning
  - Support to explore education, training and employment options
  - Help with applications, CVs, and interview skills.
  - Support to access any extra help needed to achieve goals