

Section 19 – Education Act 1996

Context

All local authorities are charged to comply with the statutory duty laid out in Section 19 of the 1996 Education Act. The duty states that:

“Each local authority shall 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 suitable education unless such arrangements are made for them”. [Education Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1996/56/section/19)

The section defines suitable education as an efficient education suitable to a child's age, ability and aptitude and to any special educational needs s/he may have.

Section 19 applies to any situation in which a child cannot attend school. Particular rules relating to excluded children and guidance relating to children with special educational needs and disabilities are covered below.

It is for a Local Authority to determine that a child will not receive a suitable education unless arrangements are made for them. Each Local Authority must also consider its wider duties and responsibilities, including those in the SEND Code of Practice 2015 and DfE Attendance Guidance.

Nationally, since the Pandemic schools and local authorities have experienced an increase in children absent from school, an increase in the number of children unable to attend school because of anxiety, an increase in children unable to attend schools through reasons of sickness.

This national picture has been mirrored in Surrey with the result that the Council has experienced a sharp increase in the number of requests for alternative provision for children not able to access school because of health reasons and an increase in the number of complaints from parents stating that the Council should be providing for “missed provision”.

The Section 19 duty and how it is applied can cover a range of different circumstances and scenarios that might have an impact on a child's ability to attend school. As a result, it is not any one service that has a responsibility to meet or identify children who fall under the Section 19 duty. Education services should have a shared understanding and collective in identifying children who are not accessing a suitable, full- time education.

Actions Completed – since June 2023

- Review of 139 complaints received from parents with a theme of missed provision.
- Change in Inclusion Service practice to ensure that schools have support plans in place and that parents have consented to school commissioned alternative provision and part-time timetables.
- EBSNA Partnership group established.
- Training provided to staff regarding the Section 19 duty.
- S19 Working Group established.
- Medical Policy published.
- Part-time timetable guidance for schools refreshed.
- EHE Policy updated and published.
- CME Policy updated and published.
- EOTAS Policy published.
- S19 Position Statement published on Local Offer
- Medical Panel established.

Actions still underway

- Section 19 Policy to be published – will be going to SLT for sign off w/b 15/07
- Medical Policy refreshed – will shortly be going to SLT for sign off (July 2024)
- Medical guidance for schools – will shortly be going to SLT for sign off (July 2024)
- Establishment of S19 Champions within new Surrey Attendance Service
- Review of effectiveness of current training offer to staff (August 2024)
- S19 Training refresh to all staff (September 2024)
- AP FAQs for parents to be published on Local Offer (October 2024)
- LAAP Admission criteria guidance for schools (October 2024)

Impact of these actions

- 1. Increased awareness of the partnership responsibility under s19 of the Education Act 1996**
- 2. A reduction in complaints relating to S19 as the partnership response is more timely and focused.**
- 3. Reduced numbers who are CME resulting in s19 complaints**

Footnote – **Definition of Children Missing Education** - those children not on the roll of a school and not yet in receipt of provision. Currently there are 86 children within this category in Surrey.

Complaints have generally been received from parents of children on the roll of a school believing that their child is not receiving a suitable education [as they are unable to attend school](#).

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