

Section 19 Policy under the Education Act 1996

‘Making a difference for every child in
Westmorland and Furness’

Ambition for Every Child 2024



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1. Introduction

This policy outlines the responsibilities and procedures of Westmorland and Furness Council in providing suitable education for children who, due to exclusion, illness, or other reasons, would not receive suitable education without such provision. This policy is framed in accordance with [Section 19 of the Education Act 1996](#) and ensures that all decisions regarding [alternative provision](#) are made with the best interests of the child in mind.

These responsibilities and procedures need to be considered alongside the [Responsibilities of Schools and Other Educational Settings](#).

2. Purpose and Scope

The purpose of this policy is to ensure that every child within Westmorland and Furness Council who is unable to attend mainstream school has access to appropriate, [high-quality education](#) that meets their individual needs. This policy applies to all children of compulsory school age who are resident within the local authority and who require [alternative provision](#) for the following reasons:

- [permanent exclusion](#).
- [medical Conditions](#) (previously managed by the Home and Hospital Tuition Service, HHTS).
- a need for education otherwise than at school.

3. Section 19 Offer

This offer is available to all children of compulsory school age who are resident in Westmorland and Furness, whether they are on a school admission register or not, and whatever type of school they attend. It is anticipated the home school will maintain responsibility for the [alternative provision](#) arrangements for the majority, if not all, pupils on the school's admission register.

Where the Council does commission alternative provision it is anticipated that:

- pupils will make good progress and not fall behind, especially in key subjects.
- pupil's individual educational, social, and emotional mental health needs will be accommodated to promote and ensure their well-being.
- disruption to a pupil's learning will be minimised, and continuity with the home school curriculum will be maintained.
- pupils will have the opportunity to obtain age-appropriate qualifications.
- reintegration into school will occur as soon as a pupil's health or other needs permit.
- pupils will remain connected to their school community and classmates.

Westmorland and Furness Council is committed to ensuring suitable full-time education for all pupils who would not otherwise receive a suitable education as quickly as possible. The law does not define full-time education although pupils in

alternative provision should receive the same amount of education as they would receive in a maintained school.

The only exception to this is where the physical or mental health of the child means that full-time education would not be in their best interests. Children with health needs should have provision which is [equivalent to the education they would receive in school](#). If they receive one-to-one education, for example, the hours they receive could be fewer as the provision is more concentrated.

Full-time education for excluded pupils must begin no later than the sixth day of the exclusion.

All decisions about whether a child should be offered [alternative provision](#) will be made by the [Section 19 Multi-Agency Panel](#). Westmorland and Furness Council will endeavour to ensure there are dedicated specialist outreach support teams available to aid schools in supporting pupils with additional needs and to provide staff training. In most circumstances it would be expected that schools will have accessed this type of support before seeking [Section 19](#) provision for a child. In some circumstances outreach support may be recommended by the panel where it has been provided already in isolation or in combination with other forms of support.

Section 19 provision in Westmorland and Furness includes but is not limited to:

- additional support for the home school, which might include offsite provision and/or telepresence solutions such as AV1 technology.
- a placement or support from a Pupil Referral Unit (PRU).
- individual or small group tuition within a school or community setting.
- a placement or support from specialist alternative providers.
- online learning platforms.

The type of [alternative provision](#) offered will depend on the needs of the individual child. It may be commissioned from a single provider or from different providers.

It should be noted that:

- the Council will always make every effort to ensure attendance at a registered provision and consideration will only be given to other options in exceptional circumstances.
- pupils of compulsory school age cannot attend [unregistered alternative provision full-time](#).
- pupils of compulsory school age could be offered up to [17 hours a week in a single unregulated alternative provision](#).
- in exceptional circumstances consideration might be given to pupils of compulsory school age attending more than one unregistered alternative provision each week to fulfil their entitlement to full-time education, for example by spending two days with one provider and three days with another.
- the Council will not provide education for children whose families are in dispute with the school where the child is registered, children who have been withdrawn from the school because of a dispute with the Council about a school placement or where family and social care issues are preventing the child from attending school.

- where a child is not on a school admission register, the services involved with the child should promote an application for a school place in the first instance. If professionals involved with the child feel their needs are such they should be considered for [Section 19](#) provision, the lead professional who is presenting this issue, is responsible for gathering the appropriate evidence and presenting the referral to the [Section 19 Multi-Agency Panel](#).

4. Section 19 Multi-Agency Panel

4.1 Role and function

The [Section 19 Multi-Agency Panel](#) has been established to make informed, fair and transparent decisions about alternative provision for children who may need this. The panel will ensure a holistic approach and so consideration will be given to the child's educational, social, emotional, and health needs.

4.2 Composition of the Panel

The [Section 19 Multi-Agency Panel](#) will be composed of representatives from various agencies, including but not limited to:

- the management team of the Learning Improvement Service.
- the management team of the SEND Service.
- the management team of the Access to Education service.
- the Educational Psychology Service.
- Children's Social Services or Early Help.
- a designated clinical officer or health representative.
- the Youth Offending Team (if applicable).
- the management team of the PRU.
- headteachers from primary and secondary schools.

4.3 Decision making process

Referral to Section 19 Multi-Agency Panel

A referral for Section 19 provision can be made by either by sending an email to AccesstoEducation.WAF@cumbria.gov.uk or via the school or education setting. The referral should be submitted on the [Section 19 Multi-Agency Panel Referral Form](#) and accompanied by any additional information that is required. The parents/ carers and, where appropriate, the child's views should be included in this information.

Triage/Screening Assessment

All information provided will be reviewed by the officer responsible for managing the [Section 19 Multi-Agency Panel](#) in collaboration with other relevant officers, such as those working within Early Help or the Learning Improvement Service. These officers will make an initial judgement about whether the referral should be submitted for consideration by the Section 19 Multi-Agency Panel. The

responsible officer may request further information or assessment as required and will make contact with the referrer to inform them of the outcome of the initial screening assessment.

Meeting

Once all the required information has been provided and it is agreed the referral should go forward for consideration by the [Section 19 Multi-Agency Panel](#), it will be discussed at the next Section 19 Multi-Agency Panel meeting.

Decision

The [Section 19 Multi-Agency Panel](#) will determine:

- whether [alternative provision](#) is necessary.
- the type and duration of the alternative provision required.
- any additional support or interventions needed to facilitate the child's reintegration into mainstream education, where applicable.

Review

The [Section 19 Multi-Agency Panel](#) will establish a review schedule to monitor the child's progress in the [alternative provision](#). The frequency of reviews will depend on the child's individual circumstances but will occur at least once every term.

4.4 Ongoing Review

Where [alternative provision](#) has been agreed by the [Section 19 Multi-Agency Panel](#), pupils will have their provision set out in a personalised plan. This should be co-produced by the referrer, family and any education providers that are, or will be, involved in providing support for the pupil. It should clearly identify the nature of the intervention, the objectives, the expected outcomes, and the timelines to achieve these. The longer-term plans, next steps and any transition arrangements for a pupil should be agreed at the start of any support provided, in accordance with the [statutory guidance for alternative provision](#).

Where provision is put in place, it is expected the home school will provide regular face-to-face contact, this should be in addition to any support commissioned or oversight provided by the Council. This is to ensure that relationships are maintained and developed, and to ensure a supported reintegration to school at the appropriate time.

The home school is responsible for ensuring that provision is regularly reviewed, and plans are amended as required to support reintegration. Whilst best practice would indicate reviews should be completed at least every 6 weeks, this will be dependent on the nature of the pupil's needs and the reason for the provision being implemented.

5. Elective Home Education (EHE)

Where a young person is electively home educated, they would not be considered for provision under the [Section 19](#) duty as the legal responsibility for a child's education rests with the parent. For further information in relation to elective home education please see [Westmorland and Furness's EHE Policy](#).

6. Children and Young People not of Compulsory School Age

The legal duty does not apply to children and young people under and over compulsory school age. The Council will not normally provide support for pupils who are under, or over, compulsory school age however where pupils who would normally be in year 12 are repeating year 11 due to medical reasons and for those pupils with an Education, Health and Care (EHC) Plan in years 12 and 13, requests for support will be considered on an individual basis in conjunction with the statutory SEND Service.

For post-16 students attending mainstream provision, the Council would look to the home school, college or training provider to make any necessary reasonable adjustments for students who are unwell over a prolonged period.

7. Implementing and Monitoring

Westmorland and Furness Council will ensure all members of the [Section 19 Multi-Agency Panel](#) and school staff are trained and informed about their roles and responsibilities under this policy. Regular updates will be provided to ensure decisions are consistent with legal frameworks, national guidance and best practice.

The Council will continue to monitor the implementation of this policy and the effectiveness of [Section 19 provision](#). Adjustments to the policy will be made as necessary to enhance the service offered to pupils requiring alternative provision and to support continuous improvement.

The success of the outreach support and the Section 19 Policy will be monitored through:

- regular analysis of data related to exclusions, referrals to the Section 19 Multi-Agency Panel, and outcomes for relevant pupils.
- the collection of feedback from schools, parents/carers, and children about the effectiveness of the support provided.
- an annual review of the implementation of the Section 19 Policy and any associated processes.

8. Appeals and Complaints

Parents/carers have the right to appeal decisions made by the Section 19 Multi-Agency Panel regarding the provision of education for their child.

Appeals should be made in writing to Westmorland and Furness Council within 10 working days of the decision and sent to this mailbox:

Section19Enquiries@westmorlandandfurness.gov.uk. Appeals will be reviewed by an independent panel, and a final decision will be communicated within 20 working days.

If parents/carers remain dissatisfied, they may follow the local authority's complaints procedure or seek further recourse through the Local Government Ombudsman.

9. Review of the Policy

This policy will be reviewed annually or more frequently, if required, due to changes in legislation, guidance, or local circumstances. The local authority will consult with stakeholders, including schools, parents, and children, during the review process to ensure the policy remains effective and relevant.

This policy ensures that Westmorland and Furness Council meets its statutory obligations under Section 19 of the Education Act 1996 while prioritising the educational and welfare needs of children requiring alternative provision.

Appendix A: General Responsibilities of Schools and Other Educational Settings

Early Identification and Identification

Schools have a key responsibility to identify at the earliest stage possible any child who is at risk of requiring Section 19 provision. This includes:

- regular monitoring of attendance and engagement to identify patterns that may indicate a child is at risk.
- early intervention strategies, including engaging with parents, providing in-school support, and utilising external agencies as necessary.
- ensuring that any interventions are documented and reviewed to assess their effectiveness.

Inclusive Practices

Schools must ensure that their educational practices are inclusive and that reasonable adjustments are made to support the needs of all children, including those with special educational needs and/or disabilities (SEND) and which should include:

- adapting the curriculum to meet the diverse learning needs of pupils
- providing access to appropriate resources, including assistive technologies where necessary.
- promoting a positive school environment that supports the social and emotional well-being of all pupils

Pupils with Medical Needs

Schools must support pupils with medical conditions, ensuring they can access full-time education. This includes creating individual healthcare plans and following statutory guidance. Schools should refer to additional support services if needed and must notify the local authority if a pupil is absent for 15 days or more due to a medical condition while keeping the pupil on roll and supporting their continued education.

[Supporting pupils with medical conditions at school \(GOV.UK\)](https://www.gov.uk/guidance/supporting-pupils-with-medical-conditions-at-school)

Collaboration with the Section 19 Multi-Agency Panel

Schools are required to work closely with the [Section 19 Multi-Agency Panel](#) when a child is being considered for [Section 19](#) provision and it is anticipated relevant staff will:

- provide comprehensive information and documentation to support the referral process.
- support the Section 19 Multi-Agency Panel to explore all possible avenues for supporting the child within the school setting before a decision for Section 19 provision is made.
- continue to support the child's educational progress and emotional well-being, even after they have been placed in [alternative provision](#), to ensure a smooth transition and potential reintegration into mainstream education.

Ongoing Responsibility

Even when a child is placed in [Section 19 alternative provision](#), the home school maintains a responsibility to:

- maintain regular contact with the alternative provision provider to monitor the child's progress.
- participate in regular review meetings to support the [Section 19 Multi-Agency Panel's](#) oversight of alternative provision, and the ongoing assessment of the child's needs
- facilitate reintegration into mainstream education if and when the child is ready to return.

Appendix B: Permanent Exclusion

Legal Framework

This part of the policy is guided by the following legal frameworks and statutory guidance:

- the [Education Act 2002](#)
- the [Education and Inspections Act 2006](#)
- the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- the [DFE Guidance on School Suspensions and Permanent Exclusions 2024](#)

Responsibilities of Schools

1. **Headteachers** should:

- ensure that exclusion is used as a last resort, after considering all other alternatives
- follow the statutory process for exclusion, including notifying parents/carers and the local authority
- provide written reasons for the exclusion and inform parents/carers of their right to appeal

2. **Governing Bodies** should:

- ensure due diligence with respect to the decision to exclude a pupil and any representations made by parents/carers.
- ensure that the exclusion process is fair, transparent, and in line with statutory guidance.
- arrange an independent review panel if requested by parents/carers.

3. **School staff** should:

- implement the school's behaviour policy consistently to prevent situations that may lead to exclusion.
- work with parents/carers and external agencies to support pupils at risk of exclusion.

In addition, it is important that schools identify and support pupils at risk of exclusion through early intervention strategies, including pastoral support and behaviour management plans. Schools should also work closely with parents/carers to address behavioural issues and provide regular updates on a pupil's progress.

Responsibilities of Local Authorities

1. The Council will:

- [arrange suitable full-time education for excluded pupils from the 6th school day of exclusion](#)
- ensure the education provided is appropriate to the pupil's age, ability, and needs
- provide guidance and support to schools on managing behaviour and preventing exclusions.
- facilitate access to [alternative provision](#) and support services for excluded pupils
- arrange independent review panels to consider appeals against permanent exclusions for maintained schools. Maintained schools include community schools, foundation and trust schools, voluntary aided schools and voluntary controlled schools. Non-maintained schools, including academies and free schools are responsible for arranging their own independent review panels, although they could commission these from the Council
- ensure the independent review panels are impartial and include members with relevant expertise

Appendix C: Medical Conditions

Westmorland and Furness Council is committed to providing a good education for all pupils irrespective of their circumstances and therefore the Council will:

- promote co-operation between relevant partners, such as governing bodies of maintained schools, proprietors of academies, Integrated Care Systems and NHS England, with a view to improving the wellbeing of children with regard to their physical and mental health, and their education, training and recreation.
- work with the [Lancashire and South Cumbria](#) and the [North East and North Cumbria Integrated Care Systems](#) to make joint commissioning arrangements

for education, health and care provision for children and young people with [SEN](#).

- provide support, advice and guidance, including suitable training for school staff, to ensure that the support specified within individual healthcare plans can be delivered effectively.
- work with schools to support pupils with [medical conditions](#) to attend full-time.

It is expected the home school will prioritise continuity by providing the education for all pupils on the admission register. In situations where this is not feasible, the [Section 19 Multi-Agency Panel](#) will review individual referrals to decide if the Council should step in under the [Section 19](#) duty or if the school should address the pupil's needs with additional support.

Arrangements for Children who are in Hospital

Where a Westmorland and Furness child is admitted to an NHS hospital, the education provision will usually be arranged through the hospital until the child is discharged. In this situation the Council would not need to arrange any additional education, provided it is satisfied that the child is receiving suitable education.

Where appropriate the school should liaise with the family and hospital to provide continuity in relation to the curriculum.

When a child is discharged from hospital but is not able to return to school for a period, the school should consider how provision can be made in the same way as for those who have medical needs but who have not been admitted to hospital.

Arrangements for Children who are not in Hospital

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. Education provision should continue to be provided by school where possible to ensure continuity. For most children this will mean that [alternative education](#) arrangements can be put in place which might include:

- the pupil attending school with some support.
- the school making arrangements for the child to receive suitable education outside of school.
- the pupil being educated in a hospital or by a hospital school.

The Council would not be expected to intervene in these situations unless:

- the education provided is unsuitable.
- the education, while suitable, is not full-time or does not match the number of hours the child can benefit from without harming their health.

Support is available to schools from a range of different sources that include:

1. guidance from the named officer, Senior Advisor Learning Improvement Service, Marie Barnes via this email address: marie.barnes@westmorlandandfurness.gov.uk or by phone on [07929 164808](tel:07929164808).
2. support and guidance from the Access to Education Service. This service can be accessed via the relevant link on this web page

<https://www.westmorlandandfurness.gov.uk/schools-and-education/apply-school-place-or-change-schools>

3. [Early Help Services](#)
4. [Mental health support services](#)
5. [Behaviour and Emotional Wellbeing Officers](#)
6. [SEND Specialist Teaching Service](#)
7. [Educational Psychology Service](#)

Where a pupil has accumulated 15 days absence due to a medical condition, schools should notify their attendance support officer and should use the graduated response to assess, meet and review the needs of the individual pupils there are concerns about. Pupils must remain on the school admission register.

When a pupil's medical condition becomes too complex, or the risks are too great to be managed by the school, the school should make a referral to the [Section 19 Multi-Agency Panel](#) using the [referral form](#).

The [Section 19 Multi-Agency Panel](#) will need additional information about a pupil's medical needs to develop an informed view about what type of [alternative provision](#) may be required. Referrals should be accompanied by written medical advice from an appropriate medical professional who has worked with the child. This could include the child's general practitioner where relevant information from a medical consultant is not quickly available. In addition, to the information provided for other pupils being referred to the Section 19 Multi-Agency Panel these referrals should specify:

- whether the child is well enough to attend school
- whether the child is well enough to participate in education
- the child's health needs and what medical intervention is currently in place.

In addition, the referrer should provide all other relevant information such as an early help plan, an individual health care plan or other form of re-integration or action plan.

As referenced in the Section 19 Multi-Agency Panel section above there is an expectation all pupils in [alternative provision](#) will receive the [same amount of education](#) as they would receive in a maintained school.

Schools are required to:

1. ensure they have a policy in place for supporting pupils with medical conditions that is reviewed regularly and is readily accessible to parents/ carers and school staff
2. set out the arrangements for supporting pupils with medical conditions including details on how the school's policy will be implemented
3. set out the procedures to be followed when a school is notified that a pupil has a medical condition. These procedures should include information about any transitional arrangements, the process to be followed upon reintegration or when a pupil's needs change, and arrangements for any staff training or support
4. set out how individual health care plans will be used and who is responsible for their development and oversight. Individual health care plans should be reviewed at least annually. They should include information about how the school has assessed and managed any risks to a pupil's education health and social well-being and how disruption will be minimised

5. ensure sufficient staff have received suitable training and are competent to take on the responsibility for supporting pupils with medical conditions.
6. set out arrangements for pupils who are competent to manage their own health needs and/or medicines.
7. set out procedures for managing medicines including written records for all medicines that are administered to pupils.
8. set out what should happen in an emergency situation.
9. identify a named person who has overall responsibility for the implementation of the policy.

Children with long-term health problems will not be required to provide continuing medical evidence. Regular liaison with health colleagues is important however, and the level of support should be discussed on an ongoing basis through review meetings.

The expectation is that most pupils will be integrated back into their home school. The purpose of this provision is to enable the young person to maintain their education with a view to supporting them back into their mainstream school as soon as their medical condition permits.

On return to their school each child should have an individual health care plan and/or individual provision plan which specifies the arrangements for the reintegration and may include any necessary reasonable adjustments.

Appendix D: Pregnancy

Pregnancy and maternity are a protected characteristic under the Equality Act 2010. It is unlawful to treat a pupil less favourably because she is pregnant or a new mother.

Pregnancy does not, of itself, present a health need. Complications that may arise during and after pregnancy may be a health need and may include physical or mental health issues for new mothers and their babies which impact on a young person's capacity to attend school.

Pupils who are pregnant and school-age mothers should continue to be educated in a school while it is practicable to do so.

Translation Services

If you require this document in another format (e.g. CD, Braille or large type) or in another language, please telephone: **0300 373 3300**.

للوصول إلى هذه المعلومات بلغتك، يرجى الاتصال 0300 373 3300

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