

Notice of Meeting



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Children and Young People Scrutiny Committee

Thursday 30 July 2026 at 6.30pm
in the Council Chamber Council Offices
Market Street Newbury

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Date of despatch of Agenda: Wednesday 22 July 2026

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Gordon Oliver on 01635 519486

e-mail: gordon.oliver1@westberks.gov.uk

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WestBerkshire
C O U N C I L

Agenda - Children and Young People Scrutiny Committee to be held on Thursday 30 July 2026 (continued)

To: Councillors Dominic Boeck (Chairman), Owen Jeffery (Vice-Chairman), Paul Dick, Billy Drummond, Jane Langford, Alan Macro, Louise Sturgess, Clive Taylor and Martha Vickers, and Co-opted Members Emily Daly, Charlie Gale, Catherine Hobbs, Natasha Rowe and Tony Wilson

Substitutes: Councillors Adrian Abbs, Dennis Benneyworth, Martin Colston, Carolyne Culver, Clive Hooker, Janine Lewis, David Marsh, Matt Shakespeare and Richard Somner

Agenda

Part I

Page No.

- | | | |
|---|---|--------|
| 1 | Apologies for Absence
To receive apologies for inability to attend the meeting (if any). | 5 - 6 |
| 2 | Declarations of Interest
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct . | 7 - 8 |
| 3 | Item called-in following the Individual Executive Member Decision on 11 June 2026
To consider the item called-in by the requisite number of Members following the Individual Executive Member Decision on 11 June 2026. | |
| a | Called-in report: ID4816 - Section 19 Statement and Educational Neglect Policy Approval
To consider the call-in request to review the Individual Decision concerning the Section 19 Statement and Educational Neglect Policy. | 9 - 48 |

Sarah Clarke

Sarah Clarke
Executive Director - Resources

If you require this information in a different format or translation, please contact Gordon Oliver on telephone (01635) 519486.



West Berkshire
C O U N C I L

Agenda Item 1

Children and Young People Scrutiny Committee -
30 July 2026

Item 1 – Apologies

Verbal Item

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Children and Young People Scrutiny Committee -
30 July 2026

Item 2 – Declarations of Interest

Verbal Item

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Item called-in following an Executive Decision: Section 19 Statement and Educational Neglect Policy Approval

Committee considering report:	Children and Young People Scrutiny Committee
Date of committee:	30 July 2026
Executive portfolio holder:	Councillor Heather Codling
Responsible director:	Martyn Sargeant Service Director - Strategy & Governance
Responsible officer:	Gordon Oliver Principal Policy Officer (Scrutiny & Democratic Services)

1 Purpose and Executive Summary

- 1.1 This report presents the call-in request submitted on 18 June 2026 for the Children and Young People Scrutiny Committee to review the Individual Executive Member Decision of 11 June 2026 to adopt the Section 19 Statement and Educational Neglect Policy.
- 1.2 The call-in has been submitted in accordance with Part 6.10, Paragraph 13 of the Council's Constitution.

2 Recommendation(s)

- 2.1 In accordance with the call-in request dated 18 June 2026, it is recommended that Members of the Children and Young People Scrutiny Committee review the Individual Executive Member Decision of 11 June 2026 in relation to the adoption of the Section 19 Statement and Educational Neglect Policy.
- 2.2 The Children and Young People Scrutiny Committee may determine:
 - (a) To let the decision stand; or
 - (b) To state its views on the matter and refer the decision back to the Executive.

3 Background

- 3.1 The Individual Decision on 11 June 2026 sought approval for the implementation of a combined Educational Neglect Policy and Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than at School (EOTAS).
- 3.2 The Portfolio Holder for Children and Family Services resolved to:

- (a) Approve the Educational Neglect Policy as the agreed multi-agency framework for identifying, preventing and responding to educational neglect across West Berkshire.
- (b) Approve the Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than at School (EOTAS) as the Local Authority's position for meeting its statutory education duties where children cannot reasonably attend school.
- (c) Agree implementation across all relevant services and education settings, with oversight through existing Children's Services governance arrangements.

3.3 On 18 June 2026, Councillors Dominic Boeck, Paul Dick, Ross Mackinnon, David Marsh, and Howard Woollaston put the Monitoring Officer on notice that they wished to call in this decision. The letter stated:

'I write in my capacity as Chairman of the Children and Young People Scrutiny Committee to request that decision ID4816 Educational Neglect Policy and Section 19 Policy Statement be called in for further consideration. Since the publication of the decision, Members have been approached directly by parents expressing concern about both the substance of the Section 19 and EOTAS Policy Statement and the decision to approve the policy through an Individual Executive Member Decision. Other Members, named below, wish to see this decision called in and have agreed to support my request.

Given the importance of the policy to children and young people who are unable to access education through the usual school route, Members believe that further consideration and scrutiny is warranted. The policy establishes the Council's approach to discharging its duties under Section 19 of the Education Act 1996 and to the provision of Education Otherwise Than At School (EOTAS). These arrangements affect some of the most vulnerable children and young people in West Berkshire.

A number of concerns have been raised with Members regarding the practical effect of the policy and its potential impact on access to education for children with complex needs. Other concerns have been expressed about the appropriateness of approving a policy of this significance through an Individual Executive Member Decision without prior scrutiny by the Children and Young People Scrutiny Committee.'

Legal and constitutional points

- 3.4 The role of a Scrutiny Committee includes both developing and reviewing policy and holding the Executive to account. A Scrutiny Committee may not however discharge any functions other than those conferred upon it, and whilst it is perfectly proper for a Scrutiny Committee to offer advice and recommendations to an Executive decision maker, in law, responsibility for an Executive decision is that of the Executive.
- 3.5 Statutory Guidance confirms that pre-scrutiny of a proposed Executive decision might consist of (inter-alia) seeking the views of local stakeholders and interested parties, and

advises that the Executive should take into account any views expressed by an Overview and Scrutiny Committee when determining their final decision. The Executive is not however limited to consideration only of the views of a Scrutiny Committee, and may take into account other factors in its decision making process and make other determinations as it thinks fit.

3.6 Legal provisions in respect of Call-in are set out at Section 9F of Part 1A of the Local Government Act 2000 and reflected within the Constitution (Part 6.9). The options available to the Resources and Place Scrutiny Committee are:

(a) To let the decision stand; or

(b) To state its views on the matter and refer the decision back to the Executive.

3.7 The Children and Young People Scrutiny Committee may make other recommendations as a result of the Call-In to relevant bodies, which shall be considered **after** a decision has been reached on the Call-In.

4 Appendices

Appendix A: Individual Executive Member Decision (11 June 2026) - S19 Statement and Educational Neglect Policy Approval

Background Information

None

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Report Title – S19 Statement and Ed Neglect Policy Approval

Committee considering report:	Individual Executive Member Decisions
Date of Committee:	11 June 2026
Portfolio Member:	Councillor Heather Codling
Date Portfolio Member agreed report:	16/04/26
Report Author:	Melissa Perry
Forward Plan Ref:	ID4816

1 Purpose of the Report

- 1.1 The purpose of this report is to seek approval for the implementation of a combined Educational Neglect Policy and Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than at School (EOTAS).
- 1.2 Together, these documents provide a clear, lawful and consistent framework for identifying, preventing and responding to educational neglect, and for discharging the Local Authority's statutory duties where children are unable to access suitable education through school-based provision.

2 Recommendations

- 2.1 That the Portfolio Holder for Children and Young People:
 1. Approve the Educational Neglect Policy as the agreed multi-agency framework for identifying, preventing and responding to educational neglect across West Berkshire.
 2. Approve the Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than at School (EOTAS) as the Local Authority's position for meeting its statutory education duties where children cannot reasonably attend school.
 3. Agree implementation across all relevant services and education settings, with oversight through existing Children's Services governance arrangements.

3 Implications and Impact Assessment

Implication	Commentary
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Financial:	The proposals do not introduce new statutory duties or new funding commitments. Implementation will be delivered within existing Children's Services, Education Attendance, Inclusion, SEND and Alternative Provision budgets. Early identification of educational neglect and clearer Section 19 thresholds are expected to reduce escalation to high-cost statutory intervention, prolonged alternative provision and legal challenge, providing longer-term cost avoidance.
Human Resource:	There are no direct staffing implications. The policies clarify roles, responsibilities and thresholds and support staff through clearer decision-making frameworks. Training and awareness will be delivered through existing safeguarding and attendance training programmes.
Legal:	The proposals strengthen compliance with statutory duties under the Education Act 1996, Children Act 1989, Children and Families Act 2014, and associated statutory guidance including <i>Working Together to Safeguard Children</i> and <i>Keeping Children Safe in Education</i>. Clear articulation of when Section 19 applies, and when it does not, reduces legal risk arising from inconsistency, delay, or inappropriate delegation of responsibility.
Risk Management:	Key risks if implemented: • Inconsistent application during early rollout • Increased short-term identification of unmet need Mitigation: • Clear governance and leadership accountability • Shared thresholds and multi-agency training • Monitoring through attendance, safeguarding and SEND oversight The risk of non-implementation is significantly higher, including ongoing educational neglect, safeguarding harm, statutory non-compliance and reputational risk.
Property:	There are no property implications.
Policy:	The proposals align with and support:

	• Education Act 1996 (including Section 19) • Children Act 1989 & 2004 • Children and Families Act 2014 • Working Together to Safeguard Children • Keeping Children Safe in Education • Working Together to Improve School Attendance • Berkshire West Safeguarding Children Partnership thresholds
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	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x			The proposal has an overall positive equality impact. It improves early identification of educational neglect, strengthens access to suitable education, and reduces inconsistent decision-making that can disadvantage vulnerable children and families. Yes – positively. Clear thresholds, a support-first approach and multi-agency decision-making reduce the risk of unequal access to education and safeguarding support, particularly for children with SEND, medical needs, mental health needs, care-experienced children and those living in deprivation

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	x			Yes – positively. Clear thresholds, a support-first approach and multi-agency decision-making reduce the risk of unequal access to education and safeguarding support, particularly for children with SEND, medical needs, mental health needs, care-experienced children and those living in deprivation.
Environmental Impact:		x		No significant environmental impact has been identified. The proposals focus on policy, governance and service coordination. Any increased use of virtual meetings or blended education arrangements may have a minor positive effect by reducing travel.
Health Impact:	x			The proposals support positive health and wellbeing outcomes by promoting access to education, reducing prolonged absence, strengthening safeguarding oversight and ensuring appropriate responses for children with physical health, mental health and emotional wellbeing needs.
ICT Impact:		x		No new ICT solutions are required. Existing systems will continue to be used for attendance monitoring, safeguarding records, case management and statutory decision-making.
Digital Services Impact:				Digital approaches, including virtual learning, online meetings and assistive technology within MTS and alternative provision, may positively support access and continuity for some pupils, particularly those unable to attend school due to medical or wellbeing reasons.

Council Strategy Priorities:	x			The proposal supports Council priorities relating to safeguarding children, improving attendance, promoting inclusion, reducing inequality and fulfilling statutory responsibilities. It strengthens early intervention and improves outcomes for vulnerable children and young people.
Core Business:	x			The proposal directly supports core Children's Services functions, including safeguarding, attendance, SEND responsibilities, alternative provision and statutory education duties. The impact is positive as it improves clarity, consistency and effectiveness of delivery.
Data Impact:				The proposal does not introduce new data processing activities. It relies on existing lawful safeguarding, education and attendance data processes. A Data Protection Impact Assessment (DPIA) is not required at this stage as there is no increased impact on data subject rights.
Consultation and Engagement:	Children's Service Leads and Education Leads			

4 Executive Summary

- 4.1 This report seeks approval for a combined Educational Neglect Policy and Section 19 (MTS & EOTAS) Policy Statement.
- 4.2 Educational neglect is a recognised form of neglect with serious consequences for children's learning, development, safeguarding and long-term life chances. Persistent absence, unsuitable provision and lack of engagement with education are strong indicators of risk.
- 4.3 The Educational Neglect Policy establishes:
 - A shared definition of educational neglect
 - Clear thresholds and escalation pathways
 - A support-first, child-centred, multi-agency approach

4.4 The Section 19 policy statement clarifies:

- That schools are the first and best place to meet need, evidencing a graduated response
- When the Local Authority's Section 19 duty is, and is not, triggered
- The role of MTS, EOTAS, AP and reintegration planning

4.5 Approval of these policies will strengthen safeguarding, improve consistency, protect children's rights to education, and reduce legal and organisational risk.

5 Introduction

5.1 This report brings together two closely connected areas of statutory responsibility: safeguarding children from educational neglect and ensuring access to suitable education where school attendance is not reasonably possible.

5.2 Historically, ambiguity around thresholds has led to inconsistent practice, delayed intervention and, in some cases, inappropriate reliance on Section 19 or alternative provision.

6 Background

6.1 Educational neglect is embedded within national safeguarding definitions as a form of neglect.

6.2 Attendance is a key protective factor for vulnerable children.

6.3 Section 19 duties are frequently misunderstood or prematurely invoked without evidence of a graduated school-led response.

6.4 Clear alignment between attendance, safeguarding, SEND and inclusion responsibilities is required.

7 Proposals

7.1 The proposals are to:

- Implement a clear Educational Neglect framework with defined thresholds, indicators and pathways.
- Embed educational neglect consistently within safeguarding and early help practice.

7.2 Clarify that Section 19:

- Is engaged only when schools have exhausted reasonable adjustments
- Does not replace school responsibility or parental complaint routes
- Confirm MTS and EOTAS as time-limited, needs-led and exceptional with reintegration as the default goal.

- Strengthen multi-agency oversight via existing panels (ICCP, SEND Panel).

These proposals are evidence-based, aligned with statutory guidance and designed to reduce harm, drift and inequality.

8 Supporting Information

Options for consideration

8.2 Option 1 – Approve the policies (Recommended)

Provides clarity, consistency, safeguarding assurance and statutory compliance.

8.3 Option 2 – Delay approval

Risks continued inconsistency, drift and safeguarding harm.

8.4 Option 3 – Do nothing

Carries significant legal, reputational and safeguarding risk.

9 Proposals

9.1 The proposals are to:

- Implement a clear, multi-agency Educational Neglect Policy.
- Clarify thresholds, pathways and escalation routes.
- Confirm school responsibility for graduated responses prior to Section 19.
- Establish consistent decision-making for MTS, EOTAS and AP.
- Promote reintegration and inclusion as the default position.
- Embed educational neglect within safeguarding assessments.

10 Conclusion

10.1 Educational neglect and lack of access to suitable education represent significant risks to children's welfare and life chances. These policies provide a coherent, lawful and child-centred framework that strengthens early intervention, clarifies responsibilities and supports professionals to act decisively where needed.

10.2 Approval is therefore recommended.

11 Appendices

11.1 Appendix A – Equalities Impact Assessment

11.2 Appendix B – S19 Policy Statement

10.5 Appendix C – Educational Neglect Policy

Subject to Call-In:

Yes: ☒ No: ☐

- The item is due to be referred to Council for final approval ☐
- Delays in implementation could have serious financial implications for the Council ☐
- Delays in implementation could compromise the Council's position ☐
- Considered or reviewed by Scrutiny Commission or associated Committees or Task Groups within preceding six months ☐
- Item is Urgent Key Decision ☐
- Report is to note only ☐

Wards affected: All

Officer details:

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Job Title: Interim Lead for Inclusion
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West Berkshire Council Equity Impact Assessment

TEMPLATE

March 2023

1 Contents

Section 1: Summary details.....	10
Section 2: Detail of proposal	11
Section 3: Impact Assessment - Protected Characteristics	14
Section 3: Impact Assessment - Additional Community Impacts.....	16
Section 4: Review.....	19

Section 1: Summary details

Directorate and Service Area	Directorate and Service Area Children Services - Whole
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Educational Neglect Policy and Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than at School (EOTAS)
Is this a new or existing function or policy?	Combination of new policy clarity and formalisation of existing statutory functions.
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	This assessment considers the equality impacts of implementing a combined Educational Neglect Policy and Section 19 (MTS & EOTAS) Policy Statement. The proposals are intended to improve early identification of educational neglect, strengthen safeguarding practice, and clarify statutory responsibilities between schools and the Local Authority. The assessment concludes that the proposals have an overall positive equality impact, particularly for children with disabilities, medical needs, SEND, mental health needs, care-experienced children and those living in deprivation. Potential risks of disadvantage (e.g. inappropriate escalation or misinterpretation of thresholds) are mitigated through clear guidance, multi-agency oversight, training and regular review.
Completed By	Melissa Perry – Interim Lead for Inclusion

Authorised By	
Date of Assessment	

Section 2: Detail of proposal

Context / Background Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.	Educational neglect is recognised in statutory guidance as a form of neglect that can result in significant harm to children’s development and wellbeing. Persistent absence, non-engagement with education, and unsuitable provision disproportionately affect vulnerable groups. Section 19 of the Education Act 1996 places a duty on Local Authorities to arrange suitable education for children who cannot attend school. Historically, lack of clarity around this duty has created inconsistent practice, delay, and inequality of access. The proposals bring together safeguarding, attendance, SEND and inclusion responsibilities into a coherent framework.
Proposals Explain the detail of the proposals, including why this has been decided as the best course of action.	The proposals are to: • Implement a clear, multi-agency Educational Neglect Policy. • Clarify thresholds, pathways and escalation routes. • Confirm school responsibility for graduated responses prior to Section 19. • Establish consistent decision-making for MTS, EOTAS and AP. • Promote reintegration and inclusion as the default position.

	• Embed educational neglect within safeguarding assessments
Evidence / Intelligence List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.	National evidence linking persistent absence with poor attainment, safeguarding risk and social exclusion Safeguarding guidance recognising educational neglect as a form of harm Attendance and CME data indicating disproportionate impact on vulnerable children Casework learning showing inconsistency in Section 19 requests and escalation

Alternatives considered / rejected Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.	Do nothing / maintain status quo Rejected due to continued inconsistency, safeguarding risk and legal vulnerability. Section 19 led by parental request Rejected as inconsistent with statutory guidance and unsafe for equitable decision-making.
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Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	☐	☒	☐	Children and young people benefit from earlier identification of educational neglect and clearer routes to suitable education.	Child-centred approach embedded.	Education Attendance Service Manager	Attendance and safeguarding audits termly
Disability	☐	☒	☐	Improved protection and access for children with SEND, medical needs, neurodiversity and mental health difficulties through clearer graduated responses and proportionate Section 19 use.	SEND Code of Practice alignment; panel oversight	SEND Service Manager	SEND panel assurance, EHCP reviews
Gender Reassignment	☒	☐	☐	No differential impact identified. Policies apply equally.			Ongoing safeguarding oversight

Marriage & Civil Partnership	☒	☐	☐	Not applicable given child-focused nature of the proposal.			
Pregnancy & Maternity	☐	☒	☐	Improved consideration of health-related absence and safeguarding for young parents in education.	Multi-agency assessment.		Case review activity
Race	☐	☒	☐	Addresses disproportionality in attendance enforcement and safeguarding through structured decision-making and early support.	Use of data monitoring and challenge.	Safeguarding Leads	Equality data analysis
Sex	☐	☒	☐	Improved safeguarding oversight for boys and girls, acknowledging gendered patterns in disengagement and attendance.			

Sexual Orientation	☒	☐	☐	No differential impact identified. Inclusive safeguarding approach applies.			
Religion or Belief	☒	☐	☐	Policy applies equally regardless of belief. Thresholds are needs-led.			

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	☐	☒	☐	Clearer routes into support and provision where access to services is limited.			CME and attendance trends

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Areas of deprivation	☐	☒	☐	Reduces inequality by improving early help and reducing punitive escalation.			Attendance and safeguarding data
Displaced communities	☐	☒	☐	strengthened CME and safeguarding processes support children new to the area.			
Care experienced people	☐	☒	☐	Education stability prioritised; reduces drift and disengagement.			Corporate Parenting assurance
The Armed Forces Community	☒	☐	☐	Existing mechanisms remain appropriate; no			

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
				negative impact identified.			

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	12 months from implementation
Person Responsible for Review	Melissa Perry
Authorised By	

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

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1. Policy Statement: Section 19 Education Duty

West Berkshire Council is committed to ensuring that all children of compulsory school age who cannot attend school—due to illness, exclusion, or other reasons—receive suitable full-time education, in line with Section 19 of the Education Act 1996.

The Council recognises that the term “meeting the child’s needs” can be perceived as ambiguous; however, there are already well-established statutory processes within schools designed to understand, assess, and respond to a child’s needs **before** any consideration of Section 19 provision.

All schools are required to follow a graduated response, in line with the SEND Code of Practice and *Supporting Pupils at School with Medical Conditions* (DfE, 2015). This includes, but is not limited to:

- gathering evidence through school-based assessment, records of strategies used, and professional input;
- implementing reasonable adjustments, including adaptations to timetable, environment, curriculum, or delivery model;
- working with medical professionals to secure clear guidance on the impact of the child’s health on attendance and learning;
- developing and reviewing an Individual Healthcare Plan (IHP) or other agreed multi-agency plan;
- engaging with parents and carers to co-produce support and ensure shared understanding of the child’s needs;
- documenting progress, barriers, attendance patterns, and the child’s response to interventions.

Only where a school can clearly evidence that it has exhausted these graduated processes, and that suitable education cannot reasonably be delivered within the school environment, will the Local Authority consider its Section 19 duty to be engaged.

This ensures that:

- the pupil remains integrated within their school community wherever possible;
- education continues in the setting best placed to deliver continuity and curriculum progression;
- Section 19 provision is reserved for cases where school-based solutions have been fully explored and are evidenced as not reasonably practicable.

In fulfilling its Section 19 duty, the Local Authority will ensure:

A. Delegation and School Responsibility

- Schools maintain responsibility for their pupils, including attendance monitoring, welfare checks, curriculum continuity, and the creation of Individual Healthcare Plans (IHPs) where required.
- Schools are expected to work collaboratively with healthcare professionals and families to design and deliver support in line with *Supporting Pupils at School with Medical Conditions* (DfE, 2015), including reasonable adjustments, reduced timetables, online learning, or in-school adaptations.
- Schools must demonstrate they have exhausted reasonable strategies to maintain attendance and learning before the LA assumes responsibility.

B. LA Duty and Provision

- When schools have demonstrated that they are no longer able to provide suitable education, the LA will step in to commission or deliver an appropriate programme.

- Multiagency decision-making through the Internal Complex Case Panel (ICCP) will ensure transparent, equitable decisions.
- The LA will continue to promote reintegration as the default pathway unless evidence shows it would not be appropriate.
- Requests made directly by parents or carers where the pupil is on roll at a school will **not** automatically trigger a Section 19 assessment or the arrangement of provision. In most cases parents will be directed back to the child's school, which holds the primary responsibility for assessing need, coordinating medical evidence, implementing reasonable adjustments, and ensuring suitable education in line with statutory guidance.
- Where a parent is dissatisfied with the education being arranged by the school, the expectation is that they follow the school's published complaints procedure. Only in exceptional circumstances—such as where safeguarding concerns or legal duties clearly require Local Authority intervention—will the LA consider stepping in without a school-led referral.

2. Policy Statement: Medical Tuition Service (MTS)

The Medical Tuition Service exists to ensure continuity of education for children who are temporarily unable to attend school due to medical conditions. MTS operates on the principle that school remains the most appropriate educational setting and the pupil should remain part of their school community wherever possible.

The service is guided by DfE Supporting Pupils at School with Medical Conditions (2015), which emphasises:

- the importance of medical professionals providing clear, specific advice on the impact of a child's health condition on education;
- the requirement that schools and health professionals work with families to develop an Individual Healthcare Plan;
- the expectation of multi-agency coordination, shared responsibilities, and regular review.

The Local Authority and MTS will ensure:

A. School-Led Planning

- The home school retains responsibility for setting work, sharing curriculum plans, contributing to risk assessments, and attending MTS review meetings.
- Wherever medically possible, schools must continue to provide reasonable adjustments or partial attendance opportunities to maintain connection with peers and school life.

B. MTS Provision

- MTS provides short-term, specialist intervention, including face-to-face tuition, virtual learning, AV1 robotics, and community-based sessions.
- Provision is based on appropriate medical evidence, regularly reviewed, and planned jointly with schools and health professionals.
- A reintegration plan is developed from the outset, with MTS supporting a structured, safe return to school when appropriate.

C. Safeguarding, Quality and Capacity

- MTS tutors must have appropriate training to support pupils with complex needs, trauma, neurodiversity, and emotional regulation difficulties.
- The LA will ensure provision is delivered in safe, quality-assured environments and regularly monitored.

3. Policy Statement: Education Otherwise Than at School (EOTAS)

West Berkshire Council will provide Education Otherwise Than at School (EOTAS) only when it is satisfied, in accordance with Section 61 of the Children and Families Act 2014, that it is inappropriate for the child to be educated in any school or specialist setting.

EOTAS is an *exceptional, needs-led* provision. It will not be used because of school capacity issues, school refusal without supporting evidence, or delays in securing placements.

A. Relationship with School Responsibilities

- Before EOTAS is considered, schools must demonstrate they have:
 - implemented high quality SEND support,
 - followed advice from health and education professionals,
 - collaborated on an Individual Healthcare Plan where relevant,
 - trialled reasonable adjustments and alternative on-site or blended provision.
- The LA will only agree EOTAS when evidence shows that all appropriate school-based options are unsuitable.

B. Decision-Making and Medical Evidence

- Schools, families, medical professionals, and specialist teams must contribute to evidence—including clinical advice, educational assessments, attendance data, and behaviour or risk information.
- The SEND Panel¹ will scrutinise multi-agency evidence and determine whether EOTAS is required.
- For pupils with an EHCP, all EOTAS arrangements must be explicitly specified in Section F, with Section I left blank, where applicable.

C. Provision and Review

- EOTAS packages may include tutoring, therapeutic interventions, online learning, community provision, or specialist programmes.
- Provision will be reviewed every six weeks and formally through the EHCP process after two academic terms.
- Reintegration into a school setting remains the preferred long-term goal unless it is demonstrated to be inappropriate.

4. Alternative Provision (AP) and Additional Needs

Children and young people with additional needs may require alternative provision (AP) on a short-term or exceptional basis. In West Berkshire:

- AP is considered only after schools have evidenced a clear graduated response, including all reasonable adjustments, appropriate interventions, and multi-agency involvement.
- AP must be needs-led, time-limited, purposeful, and designed to support progress and return to sustained education in the most appropriate setting.

West Berkshire's Local Offer and specialist services provide support to help schools maintain placements and address barriers to attendance and engagement.

Where a child is at risk of requiring AP or Section 19 provision, teams such as:

- Education Attendance Service
- Inclusion & Reintegration Team
- Educational Psychology Service
- EBSA support, Therapeutic Thinking and Early Help

¹ A SEND panel moderates and scrutinises evidence from education, health and social care to support LA decisions about whether to carry out an EHC needs assessment, whether to issue, amend or cease an EHCP, what provision should be specified in Section F, Placement decisions, including where education in school is deemed inappropriate. It ensures decisions are: evidence-based, proportionate, consistent across cases, compliant with statutory duties under the Children and Families Act 2014 and the SEND Code of Practice.

- SEND Advisory Services
- iCollege (PRU) as commissioned AP

will collaborate with schools to identify underlying needs and implement appropriate interventions.

5. Local Authority Duty to Consider Alternative Provision under Section 19

Requests for Section 19 provision should come from schools, not directly from parents.

Where a parent expresses concern that their child's needs are not being met:

- The school must engage in dialogue, work through the graduated response, relevant SEN processes and follow their own complaints procedure if required.
- The LA will only intervene where a school can demonstrate that they cannot, despite exhaustive statutory processes, provide suitable education.

The Local Authority will assess all school submitted Section 19 requests via the Internal Complex Case Panel (ICCP) which reviews:

- evidence of need,
- medical input,
- safeguarding considerations,
- the school's graduated response,
- reasonable adjustments already attempted,
- and the child's response to interventions.

Depending on the circumstances, provision may be delivered by:

- the Medical Tuition Service (MTS),
- the Inclusion & Reintegration Team,
- commissioned AP,
- or iCollege (PRU).

6. Children with EHCPs and Alternative Provision

For pupils with an EHCP, schools must:

- utilise SEND resources and support available via the Local Offer,
- collaborate with the child's SEN Case Officer,
- ensure appropriate reviews and amendments to Section F where required,
- call an Interim Review when placement concerns emerge, so all professionals can jointly assess needs and determine whether adaptations or temporary AP arrangements are required.

If alternative provision is required to deliver the child's EHCP, this must follow statutory review processes and be formally agreed through SEND decision-making pathways.

7. Pupils at Risk of Exclusion

West Berkshire Council expects schools to consider all available support to maintain the pupil's placement and avoid exclusion wherever possible.

Suspension or permanent exclusion must be used only as a last resort, and only where:

- there has been a serious or persistent breach of the behaviour policy; and
- allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others.

The Council provides support through:

- the Local Offer,
- the Inclusion & Reintegration Team,
- iCollege (PRU) and wider AP,
- Education Psychology,
- targeted behaviour and attendance interventions.

Exclusion Duties

- For permanent exclusions, West Berkshire (as the home authority) must arrange suitable full-time education from the sixth school day, discharged through iCollege under the Section 19 duty.
- For suspensions (fixed-period exclusions), the duty to arrange provision from day 6 lies with the school's governing board, as per the Education and Inspections Act 2006.

8. Elective Home Education (EHE)

Elective Home Education is a parental choice, not an alternative to Section 19.

When parents choose EHE:

- they assume full responsibility for providing education, including financial,
- the LA's role is limited to assessing whether the education is "suitable",
- EHE does not trigger Section 19 provision.

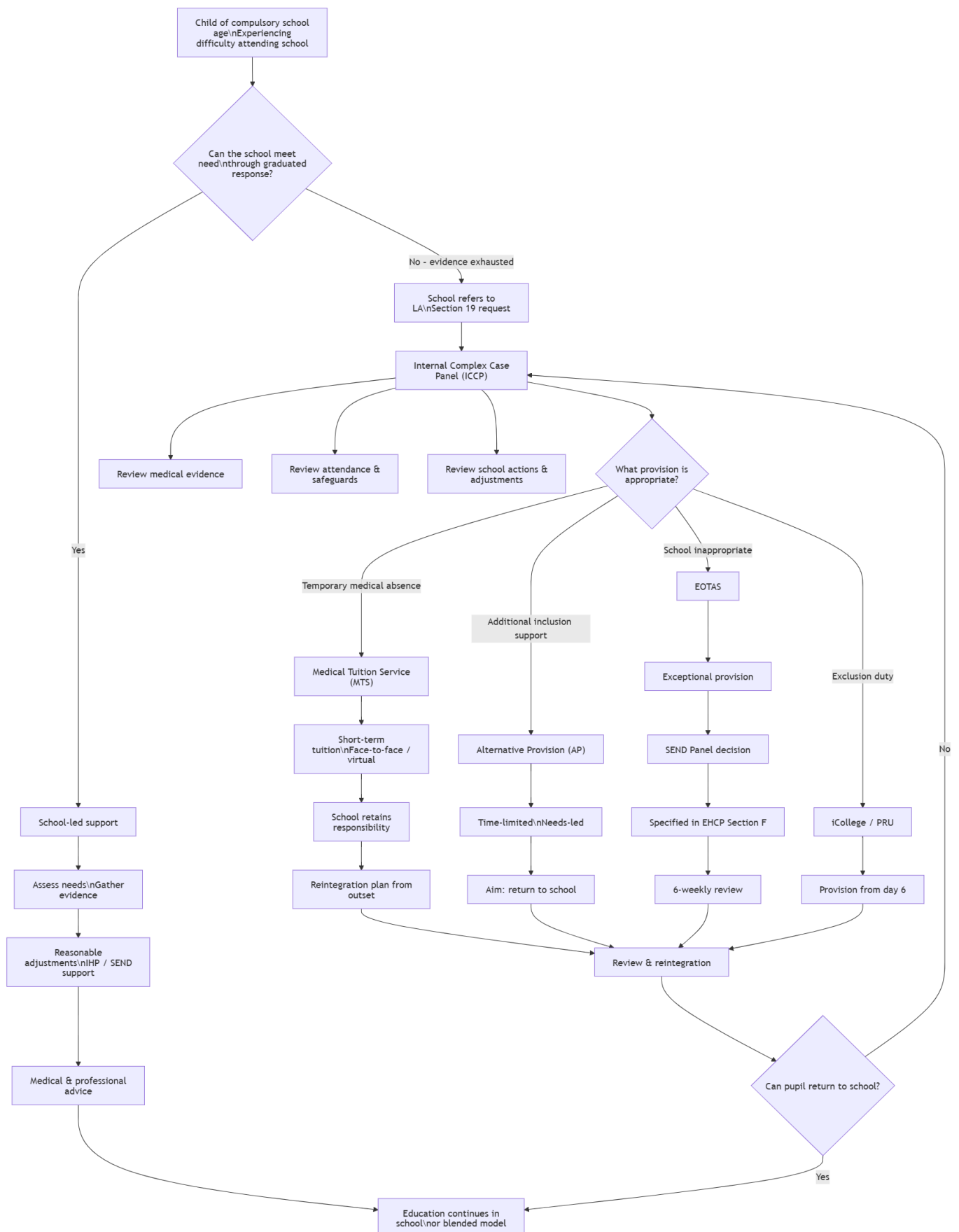
Parents who are dissatisfied with school provision must address concerns through the school's complaint process, not by requesting EHE or Section 19 provision.

9. Summary of West Berkshire's Section 19 Position

- Schools are the best and first place to meet need—this must be evidenced through a graduated response.
- The LA will only intervene when schools demonstrate they cannot reasonably provide suitable education, despite following statutory processes.
- AP and MTS are used only where appropriate, time-limited, and with a clear plan for reintegration.
- EOTAS remains an exceptional provision requiring robust evidence and Panel agreement.
- Exclusion duties are met promptly through iCollege and supported by multi-agency intervention.
- EHE is a parental choice and not a route into Section 19 provision.

This framework ensures that West Berkshire fulfils its statutory duties, protects children's educational rights, and promotes consistent, equitable decision-making across all settings

Flowchart of S19 Processes





Educational Neglect Policy

“To set out West Berkshire Council’s approach to identifying, preventing and responding to educational neglect so that all children and young people receive suitable, full time education and are safeguarded from harm”



WestBerkshire
C O U N C I L

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1		New Educational Neglect Policy	
2			
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Contents

1.	Purpose	3
2.	Applicability	3
3.	Principals	3
4.	Aims	4
5.	Definition of Educational Neglect	4
6.	Legal and Policy Framework	4
7.	Thresholds (and use of professional judgement)	4
8.	Procedures & Pathways (Support-first to Statutory)	5
9.	Multi-Agency Safeguarding Alignment	6
10.	Elective Home Education (EHE) & Children Missing Education (CME)	6
11.	Multi agency working & organisational responsibilities	6
12.	Training and Awareness	6
13.	Roles and Responsibilities	7
14.	Failure to comply with WBC Policy	7
15.	Glossary	7
16.	Resourced and Relevant Documentation	7

1. Purpose

To set out West Berkshire Council's approach to identifying, preventing and responding to educational neglect so that all children and young people receive suitable, full time education and are safeguarded from harm. This expanded version integrates core guidance from the Association of Education Welfare Management (AEWM) to strengthen definitions, thresholds, indicators, and practice expectations across the partnership.

Educational Neglect can have significant impact on a child's outcomes including:

- Persistent/severe absence correlates with significantly reduced attainment at KS2 and KS4;
- Pupils with lower attainment can lead to higher absence rates.
- For vulnerable pupils, regular attendance is a protective factor;
- Persistent absence is associated with increased risk of offending and serious violence.

These impacts underscore the need for early identification, sustained support, and prompt escalation where risks persist

2. Applicability

This Policy applies to:

- Local authority staff working in education, safeguarding, children's social care, Early Help, and related services.
- Commissioned and partner agencies, and all education providers within West Berkshire, including maintained schools, academies, alternative provision, and post-16 providers.
- It is the responsibility of each employee and other person mentioned above to familiarise themselves with and adhere to this Policy.
- Adherence to this Policy is a condition of working for the council or using its assets.

3. Principals

This policy is sustained by 4 main principals as:

1. **Child centred and rights based:** Practice is underpinned by the UN Convention on the Rights of the Child, and a child centred approach is fundamental to safeguarding (Working Together 2023; Keeping Children Safe in Education).
2. **Right to suitable education:** Parents, schools and the local authority have statutory responsibilities to secure efficient, fulltime, suitable education accounting for age, ability, aptitude and any special educational needs/additional learning needs (Education Act 1996 s7).
3. **Support first:** Barriers to attendance/engagement are complex and require individual assessment, collaborative work with families, and early, coordinated multiagency support.

- 4. Attendance is everyone's responsibility:** A shared, collaborative culture across Early Help, schools and partners increases the chances of successful outcomes.

The Local Authority is committed to safeguarding and promoting the welfare of all children.

Educational neglect is recognised as a form of neglect that significantly impacts a child's wellbeing, development, and future life chances. The Local Authority will take a clear, structured approach to identifying, assessing, and addressing educational neglect in partnership with families, schools, and safeguarding partners.

4. Aims

The aim of this policy is to:

- Ensure all practitioners understand what educational neglect is and how to recognise it.
- Provide a clear multi-agency pathway for intervention, from early help through to statutory action.
- Embed thresholds into safeguarding procedures in line with CME (Children Missing Education) and SAO (School Attendance Order) frameworks.
- Promote timely assessment, intervention, and where necessary, enforcement, to secure a suitable education for every child.

5. Definition of Educational Neglect

Educational neglect involves a carer failing to:

- provide a stimulating environment,
- show an interest in the child's education (at school or otherwise),
- support their learning, or respond to any special needs,
- as well as failing to comply with state requirements regarding education and attendance.

6. Legal and Policy Framework

This policy is informed by the following legislation and statutory guidance:

- Children Act 1989 and 2004
- Education Act 1996
- Education and Inspections Act 2006
- Keeping Children Safe in Education (DfE, 2025)
- Working Together to Safeguard Children (Gov.uk 2025)
- Local Safeguarding Children Partnership (BWSCP) guidance
- Statutory responsibilities of the Local Authority for school attendance, safeguarding, and children missing education (CME).

- Neglect is defined as the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in serious impairment of health or development and includes failure to provide suitable education (Working Together to Safeguard Children, 2023).
- Significant harm is defined as assessed relative to what could reasonably be expected of a similar child; includes ill-treatment and impairment of health or development (Children Act 1989, s31).
- Four broad types of neglect to consider in assessment related to Educational Neglect are, physical, educational, emotional, medical

7. Thresholds (and use of professional judgement)

Thresholds support multiagency understanding and do not replace individual assessment (including medical/SEND factors and the child's lived experience).

Persistent failure (sustained over time) may be indicated where:

- Parents persistently do not consent to or fail to engage with support services/ interventions (including Early Help).
- Parents persistently do not consent to or engage with specialist support (CAMHS, Educational Psychologists, Paediatrics) needed to remove barriers to attendance.
- Parents fail to attend most school/LA meetings and/or engage with support offered.
- Parents are unable to substantiate most absences; or Elective Home Education (EHE) provision is unsuitable.
- The child is not on roll and not receiving any education (CME).
- Primary & Secondary pupils: Attendance below 75% for a sustained period
- Attendance below 50% (severe absence);
- Persistent lack of parental engagement with single/multiagency support to address barriers.

A guide for concern thresholds:

- **Early Concern:** Below 90% attendance across 2 consecutive terms; unexplained absences.
- **Persistent Concern:** Attendance below 75% for a sustained period; refusal to engage with support; repeated missed meetings, education deemed unsuitable (including poor elective home education).
- **Severe Concern:** Attendance below 50% (severe absence); no education engagement; persistent refusal to cooperate; significant risk of developmental harm, child not on roll or not in receipt of education. Serious impairment of development:

8. Procedures & Pathways (Support-first to Statutory)

Stage 1 – Early Help / Support First

- School identifies concerns and works with the family to co-produce plans of support.
- Early Help assessment and multi-agency support offered.
- Clear action plan agreed with timescales and monitoring on a plan, do, review cycle.

Stage 2 – Formal Local Authority Involvement

- Referral made via safeguarding pathways if concerns persist.
- LA convenes case discussion with school and partners.
- Attendance Officers review case for compliance with statutory duties.
- Interventions: parenting contracts, support services, formal attendance panels.

Stage 3 – Statutory Pathways

If non-engagement persists and the child remains without suitable education:

- Penalty Notice (Education (Penalty Notices) (England) Regulations 2007).
- School Attendance Order (SAO) (s437 Education Act 1996).
- Prosecution under Education Act 1996, s444.
- Education Supervision Order (s36 Children Act 1989).

Referral to Children's Social Care to consider an assessment under s17 or s47 where significant harm is indicated, based on local safeguarding threshold

9. Multi-Agency Safeguarding Alignment

- Educational neglect is embedded within Local Safeguarding Children Partnership thresholds.
- Multi-agency assessments must consider education alongside health and development.
- Escalation to statutory safeguarding should follow the “no order principle” but be swift where neglect is persistent.
- Multi-Agency Chronologies should be maintained and shared to support concerns across the partnership.

10. Elective Home Education (EHE) & Children Missing Education (CME)

- Where parents elect to home educate, the LA should assess suitability, offer support, and act where education appears unsuitable.
- Children off roll and not receiving education must be identified and supported swiftly via CME procedures and, where necessary, SAO action to secure provision.

11. Multiagency working & organisational responsibilities

Effective practice requires:

- Shared multiagency understanding of educational neglect; jointly developed thresholds and pathways; inclusion in Berkshire West Safeguarding Children Partnership (BWSCP) documents; training for social workers/partners; awareness raising.
- Assessments should consider the full Assessment Triangle, barriers and promoters of attendance, and the child's lived experience, including whether parental action/inaction prevents access to education.
- Professional/organisational actions can also impair access; systems must ensure:
 - Alternative provision is appropriate, timely, monitored and adapted to reduce impairment, reflecting individual needs/wishes.
 - Robust safeguarding checks for alternative placements.
 - Timely transfer/sharing of records to sustain learning and wellbeing across transitions.
 - No off rolling primarily in the interests of the school rather than the pupil; where removal from roll occurs, due process and legitimate grounds must be evidenced (in accordance with The School Attendance (Pupil Registration) (England) Regulations 2024) and Ofsted definition applied locally.
 - Timely action by agencies to minimise impact of known poor parental management of attendance/provision.
 - The child's learning and development needs remain central to multiagency planning, with monitoring and challenge where improvement is required
 - Child's views must always inform decisions- Ensure children's voices are heard in decisions affecting their education and welfare.

12. Training and Awareness

- All local authority staff working with children will receive safeguarding training that includes educational neglect.
- Specialist services (e.g. education attendance, social care) will access enhanced training and development.
- Schools and partners will be offered training, guidance, and resources on recognising and addressing educational neglect.

13. Roles and Responsibilities

- The overall responsibility for educational neglect within WBC rests with senior leadership for Children's Services, with operational leadership from Education Services.
- WBC maintains multi-agency governance (including Education Attendance, Early Help and Children's Social Care) to oversee practice, data, and procedures, and to review this Policy periodically.
- Day-to-day management sits with the Education Attendance Service working with Early Help and Children's Social Care, including maintaining procedures and providing advice and training.

- All managers are responsible for implementing this Policy within their service areas and for ensuring staff and partners comply.
- All personnel and partners have an individual responsibility to follow this Policy and related procedures.

14. Failure to comply with WBC Policy

This document provides staff and partners with essential information and conditions to be followed. Failure to do so may result in:

- withdrawal of access to relevant systems or services
- informal management action
- formal disciplinary action in line with WBC procedures and, where appropriate, legal action under the Education Act 1996

15. Glossary

- **Educational neglect:** persistent failure to ensure a child receives suitable education (e.g., failure to secure attendance; nonengagement with school/LA support; failure to pursue identified SEND/EHCP processes; failure to provide essentials for participation).
- **Significant harm:** ill treatment or impairment of health/development; assessed relative to a similar child (Children Act 1989 s31).
- **Severe absence:** attendance below 50%.
- **Off rolling:** removal from roll without formal permanent exclusion or by encouraging a parent to remove the child, when primarily in the interests of the school rather than the pupil; only lawful where in the child's best interests, due process is followed and legitimate grounds evidenced (Ofsted definition applied locally)

16. Resourced and Relevant Documentation

- Children Act 1989 & 2004; Education Act 1996; Education and Inspections Act 2006.
- Working Together to Safeguard Children (HM Government, 2023).
- Keeping Children Safe in Education (DfE, current).
- Working Together to Improve School Attendance (DfE).
- West Berkshire policies on Attendance, Inclusion, CME.
- West Berkshire BWSCP threshold documents and procedures.

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