

Individual Decision



Scan here to access the public
documents for this meeting

The attached report will be taken as
Individual Portfolio Member Decision on:

Friday 21 August 2026

Ref:	Title	Portfolio Member	Page No.
ID4816	Educational Neglect Policy and Section 19 Policy Statement	Councillor Heather Codling	3 - 72



This page is intentionally left blank

Policy Statement for S19, MTS and EOTAS and Educational Neglect Policy Approval

Committee considering report:	Individual Executive Member Decisions
Date of Committee:	21 August 2026
Portfolio Member:	Councillor Heather Codling
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.
- 1.3. Following consideration by the Children and Young People Scrutiny Committee in July 2026, Members resolved to refer the proposed decision back to Individual Executive Member Decision for further consideration. The Committee recommended that the revised Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than At School (EOTAS) be approved as set out in the supplementary agenda papers. The Committee also recommended that consideration be given to future co-production with parents, carers and stakeholders where this would strengthen policy development, and that lessons be learned from the policy development process to support effective scrutiny, stakeholder confidence and efficient use of Council resources. The revised documents attached to this report reflect the outcome of that scrutiny process.

2 Recommendations

That the Portfolio Holder for Children and Young People:

- 2.1 Approve the Educational Neglect Policy as the agreed multi-agency framework for identifying, preventing and responding to educational neglect across West Berkshire.
 - 2.2 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.
 - 2.3 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
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			
	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:	x			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; Children and Young People Scrutiny Committee; Portfolio Holder; Corporate Leadership and Governance Processes, Trade Union. The draft policies were scrutinised by the Children and Young People Scrutiny Committee in July 2026, whose recommendations have informed the revised documentation presented for decision			

4 Executive Summary

- a) This report seeks approval for both the Educational Neglect Policy and Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than at School (EOTAS). The report also presents revised documentation following consideration by the Children and Young People Scrutiny Committee and incorporates clarifications made through that process.
- b) Educational neglect is a recognised form of neglect with potentially significant consequences for a child's education, development, wellbeing and future life chances. Persistent absence, disengagement from education, lack of suitable educational provision and barriers to learning can be indicators of unmet need and, in some circumstances, safeguarding risk. The policy seeks to support earlier identification, assessment and intervention to prevent harm and improve outcomes for children and young people.
- c) The Educational Neglect Policy establishes:
 - (a) A shared multi-agency definition of educational neglect.
 - (b) Clear thresholds, indicators of concern and escalation pathways.
 - (c) A child-centred, support-first approach that promotes early intervention and partnership working.
 - (d) Greater alignment between safeguarding, attendance, SEND, inclusion and early help services.
 - (e) Consistent professional decision-making across agencies.
- d) The Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than at School (EOTAS) clarifies: The distinct legal frameworks, purposes and decision-making processes that apply to Section 19, MTS and EOTAS.
 - (a) The respective responsibilities of schools, parents and the Local Authority.
 - (b) The circumstances in which the Local Authority may consider whether its duties under Section 19 are engaged.

- (c) The role of MTS, alternative provision and EOTAS in ensuring suitable education where children are unable to access education through conventional school attendance.
 - (d) The importance of reintegration, inclusion and participation wherever this is appropriate and in the child's best interests.
 - (e) The arrangements for quality assurance and oversight through existing governance structures, including ICCP and SEND Panel processes.
- e) The Children and Young People Scrutiny Committee considered the draft documentation and recommended that the decision be referred to Individual Executive Member Decision for further consideration. The Committee also recommended greater consideration of future co-production with parents, carers and stakeholders, and that learning from the policy development process be used to strengthen future policy development and scrutiny arrangements. The revised documents and accompanying briefing note provide a transparent record of that process.
 - f) Approval of these policies will strengthen safeguarding practice, improve consistency and transparency, support lawful and evidence-based decision-making, protect children's rights to education, and reduce organisational and legal risk.

5 Introduction

- a) This report brings together two closely linked areas of statutory responsibility: safeguarding children from educational neglect and ensuring that children who are unable to access education through normal school attendance receive suitable education in accordance with the Council's statutory duties.
- b) The report presents revised policy documents following consideration by the Children and Young People Scrutiny Committee. It also provides Members with the context, rationale and legal framework underpinning the proposed policies, together with a summary of amendments and clarifications made following scrutiny.
- c) While educational neglect, alternative provision, medical tuition and EOTAS may intersect in practice, they arise from different statutory responsibilities and should not be conflated. The proposed policies seek to provide clarity regarding these responsibilities, support consistent practice and ensure that decisions are based on individual circumstances, professional evidence and relevant legislation

6 Background

- a) Educational neglect is recognised within national safeguarding guidance as a form of neglect and may have significant consequences for a child's educational attainment, wellbeing, development and future prospects. Ensuring access to suitable education is therefore a key safeguarding responsibility shared across agencies.
- b) Regular attendance and engagement in education are recognised protective factors for children and young people, particularly those who are vulnerable or experiencing additional needs. Early identification of barriers to attendance and learning supports better outcomes and reduces the likelihood of escalation into more complex interventions.
- c) Nationally and locally, there can be misunderstanding regarding the interaction between school responsibilities, Local Authority duties under Section 19 of the Education Act 1996, and arrangements made under Section 61 of the Children and Families Act 2014. The revised policy

statement seeks to provide greater clarity regarding these distinct statutory frameworks and the factors that may inform decision-making.

- d) Learning from operational practice, casework, stakeholder feedback and scrutiny has highlighted the importance of clear and transparent policy frameworks that support consistent decision-making while preserving the Council's ability to consider the individual circumstances of each child.
- e) Effective implementation requires strong alignment between attendance, safeguarding, SEND, inclusion, alternative provision and education attendance functions. These policies are intended to provide a coherent framework that supports collaborative working across services and promotes timely, proportionate and child-centred responses.
- f) The Children and Young People Scrutiny Committee considered the draft policy documentation in July 2026 and agreed to refer the decision back to Individual Executive Member Decision for further consideration. The Committee commended approval of the revised policy documentation presented through the supplementary agenda, encouraged future co-production with parents, carers and stakeholders where appropriate, and recommended that lessons learned from the process be used to inform future policy development and scrutiny arrangements.
- g) To support parents/carers further we are producing FAQs for this area of legality to hopefully aid understanding of this complicated area that will soon be available on the Local Offer

7 Scrutiny Consideration

- a) The draft Educational Neglect Policy and Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than At School (EOTAS) were considered by the Children and Young People Scrutiny Committee in July 2026 following representations received regarding aspects of the draft policy documentation. Members considered an officer briefing note, supporting evidence and revised draft documentation. Following discussion, the Committee agreed to refer the matter back to Individual Executive Member Decision for further consideration. Members recommended approval of the revised Policy Statement contained within the supplementary agenda and made recommendations relating to future co-production, stakeholder engagement and learning from the policy development process. Since then, further amendments have been made to the policy statement to take full account of the discussion, legal advice and further representations. To ensure transparency and provide a clear audit trail of decision-making, the briefing note considered by the Scrutiny Committee is included as an appendix to this report

8 Proposals

- a) The proposals are to:
 - (a) Implement a clear multi-agency Educational Neglect Policy with defined thresholds, indicators, pathways and safeguarding responses.
 - (b) Embed educational neglect consistently within safeguarding, attendance, inclusion and early help practice across West Berkshire.
 - (c) Strengthen professional understanding of educational neglect as a safeguarding issue and support earlier identification and intervention.
 - (d) Provide a shared framework for decision-making that promotes consistency, accountability and positive outcomes for children and young people.

- (e) Approve the revised Policy Statement for Section 19, Medical Tuition Service (MTS) and Education Otherwise Than at School (EOTAS), providing greater clarity regarding the respective responsibilities of schools, parents and the Local Authority.
- (f) Clarify the circumstances in which the Local Authority may consider its duties under Section 19 of the Education Act 1996 and the factors that may inform that assessment.
- (g) Confirm that Section 19, MTS and EOTAS are distinct statutory frameworks with different legal thresholds, purposes and decision-making processes.
- (h) Promote educational inclusion, timely intervention and reintegration to school wherever this is appropriate and in the child's best interests.
- (i) Support consistent and evidence-based decision-making through established governance and quality assurance arrangements, including the Internal Complex Case Panel (ICCP) and SEND Panel.
- (j) Reflect the outcome of consideration by the Children and Young People Scrutiny Committee and incorporate clarifications made following that scrutiny process.

8.2 These proposals are informed by national legislation, statutory guidance, case law, operational learning and scrutiny feedback. They are designed to strengthen safeguarding practice, improve transparency and consistency, support lawful decision-making, reduced delay and uncertainty for children and families, and promote equitable access to suitable education. The proposals further support the Council's commitment to inclusion, early intervention and ensuring that children receive the right support, in the right place, at the right time.

9 Supporting Information

Options for consideration:

- (a) Option 1 – Approve the amended policies (Recommended)

This option reflects the recommendation of the Children and Young People Scrutiny Committee following consideration of the revised Policy Statement and associated briefing materials in July 2026.

- (b) Option 2 – Delay approval

Risks continued inconsistency, drift and safeguarding harm.

- (c) Option 3 – Do nothing

Carries significant legal, reputational and safeguarding risk.

10 Conclusion

- a) 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.
- b) The proposals have been subject to additional review through the Children and Young People Scrutiny Commission. The revised documentation, together with the accompanying briefing note,

provides Members and the public with a clear account of the issues raised, the amendments made and the rationale for returning the decision for further consideration. This approach supports openness, transparency and confidence in the Council's decision-making processes

- c) Approval is therefore recommended. Should this be the case, documentation will be sent to digital for formatting prior to publish.

11 Appendices

- a) Appendix A – Equalities Impact Assessment
- b) Appendix B – Briefing Note considered by the Children and Young People Scrutiny Committee (July 2026), setting out representations received, officer responses, proposed amendments and the rationale for the Commission's recommendation to refer the decision back for further consideration.
- c) Appendix C – Revised Policy Statement for S19, MTS and EOTAS
- d) Appendix D – 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 Committee 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:

Name: Melissa Perry
Job Title: Interim Lead for Inclusion
Tel No: 01635 519788
E-mail: melissa.perry1@westberks.gov.uk

Appendix A

West Berkshire Council
Equity Impact Assessment

TEMPLATE

March 2023

1 Contents

Section 1: Summary details..... 11

Section 2: Detail of proposal 12

Section 3: Impact Assessment - Protected Characteristics 14

Section 3: Impact Assessment - Additional Community Impacts 16

Section 4: Review 18

Section 1: Summary details

Directorate and Service Area	Directorate Children and Services Service - Area 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	National evidence linking persistent absence with poor attainment, safeguarding risk and social exclusion Safeguarding guidance recognising educational neglect as a form of harm

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.	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.

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
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

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
The Armed Forces Community	☒	☐	☐	Existing mechanisms remain appropriate; no 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	

Briefing Note for Children and Young People Scrutiny Commission

Produced for:	<i>Children and Young People Scrutiny Commission</i>
Requested by:	Members
Portfolio Member:	Councillor Heather Codling
Service Director:	Ashley Millum
Date Prepared:	22 July 2026
Briefing Author:	Melissa Perry & Emma Ferrey

1 Purpose of the Briefing

- 1.1 This briefing provides Members with the Local Authority's position in relation to recent representations concerning the draft Policy Statement for Section 19, Medical Tuition and Education Otherwise Than At School (EOTAS) and Educational Neglect policies; the wider national context relating to SEND reform and the Department for Education's EOTAS consultation; an overview of West Berkshire's inclusion strategy and statutory responsibilities; and assurance regarding the Council's approach to mainstream education, alternative provision and Education Otherwise Than at School (EOTAS).
- 1.2 The briefing should be read in the context of national SEND reform proposals, the live Department for Education consultation on Education Otherwise Than At School and the Council's commitment to inclusion, early intervention and evidence-based decision making.

2 Background

- 2.1 West Berkshire Council is committed to ensuring that every child receives a suitable education, achieves positive outcomes and has access to the right provision at the right time. The Council's strategic direction is aligned to national SEND reform proposals, which place inclusion, early intervention and strengthened mainstream capacity at the heart of future educational provision.
- 2.2 The Council's starting position is that children should be educated within their local communities and mainstream schools wherever this is appropriate to meet their needs. At the same time, the Council recognises that a small number of children and young people have needs that cannot appropriately be met within a school environment. In these circumstances the Council will continue to meet its statutory duties through specialist placements, alternative provision or EOTAS arrangements where required by law and supported by evidence.

- 2.3 In July 2026, the Department for Education launched a dedicated consultation on EOTAS. The consultation seeks views on improving support, clarifying responsibilities, improving quality assurance, strengthening oversight and accountability, improving outcomes and supporting progression and, where appropriate, reintegration. The consultation recognises that many families accessing EOTAS have experienced difficult educational journeys involving placement breakdowns, unmet need and significant challenges before appropriate support was secured.

3 Current Status

- 3.1 West Berkshire's ambition aligns with the Children and Families Act 2014, the SEND Code of Practice and national reform proposals. The Council believes that mainstream schools should, wherever possible, be supported to successfully include children with additional needs. This is a mainstream first approach, not a mainstream only approach.
- 3.2 The Council's policy framework emphasises graduated responses, reasonable adjustments, early intervention, multi-agency support, educational psychology involvement, therapeutic and EBSA support, Inclusion and Reintegration services and SEND advisory support. Before consideration of alternative provision, schools are expected to evidence the support, interventions and reasonable adjustments that have been implemented to meet need.
- 3.3 National and international evidence indicates that many children with SEND achieve better long-term outcomes when educated in inclusive mainstream settings that are appropriately resourced and supported, including benefits in attainment, social inclusion, peer relationships, employment opportunities, preparation for independent living and participation in community life. However, reintegration is not appropriate in every case, and where evidence demonstrates that education within a school environment is inappropriate for a child's needs, the Council recognises its duty to consider alternative arrangements, including EOTAS where the legal threshold is met.
- 3.4 The draft EOTAS policy states that EOTAS will only be used where the Council is satisfied, under Section 61 of the Children and Families Act 2014, that education within a school or specialist setting is inappropriate for the child concerned. EOTAS is statutory, needs-led, exceptional rather than routine, evidence based and focused on individual circumstances. It must never be used because of capacity pressures or placement shortages.
- 3.5 The Council also recognises its statutory duty under Section 19 of the Education Act 1996 to arrange suitable education for children who cannot attend school because of illness, exclusion or other reasons. The draft Section 19 policy makes clear that schools retain primary responsibility for pupils on roll, should undertake graduated support processes, should use medical evidence to inform decision making and should utilise Individual Healthcare Plans where appropriate. Local Authority intervention occurs where suitable education can no longer reasonably be delivered by the school.

4 Implications and Impact

- 4.1 The current policy discussions should be viewed within the wider national context. Government is actively consulting on the future of EOTAS, SEND provision and inclusion, recognising both the growth in demand and the need for greater consistency

nationally. The Department for Education has made clear that its ambition is both to improve support for children receiving EOTAS and to create a more inclusive mainstream system capable of meeting needs earlier and more effectively.

- 4.2 The Educational Neglect Policy is fundamentally a safeguarding document rather than a SEND policy. Its purpose is to identify educational neglect, establish safeguarding thresholds, support professional decision making, encourage early intervention and strengthen multi-agency working. It adopts a support first approach and recognises that barriers to education are often complex and require individual assessment and coordinated intervention.
- 4.3 The Educational Neglect Policy also recognises that thresholds support multi-agency understanding and do not replace individual assessment, including SEND considerations, medical factors and the child's lived experience. It further recognises that organisational and professional actions can impair access to education and requires agencies to consider these factors as part of assessment and planning. This is an important safeguard against an overly simplistic interpretation of attendance concerns.

5 Next Steps

- 5.1 Officers have reviewed the concerns raised through correspondence and acknowledge that some wording within the draft documents may benefit from clarification. However, the Council's core position remains that policies cannot override statute, individual decisions must be based on legislation and evidence, safeguarding responsibilities apply regardless of educational placement, SEND status does not remove safeguarding responsibilities, EOTAS decisions remain subject to statutory EHCP processes and existing complaints, tribunal and Ombudsman routes provide accountability mechanisms regarding Local Authority actions.
- 5.2 Officers have reviewed the flowchart and acknowledge that it did not accurately represent the content or processes within the policy statement. Due to the level of need and complexity associated with EOTAS, it has become practically impossible to create a meaningful flowchart that accurately reflects the necessary individualised, evidence-led decision-making process. The EOTAS flowchart has therefore been removed entirely. The Section 19 flowchart has been corrected and retained in Appendix C.
- 5.3 Officers have refined wording within the draft Policy Statement document where clarification supports understanding and reduces the scope for alternative interpretations. Any refinements have been framed as clarification rather than changes to statutory duties. See Appendix A for new draft Policy Statement with strengthened information. There have been no changes to the Educational Neglect Policy.

6 Conclusion

- 6.1 The Council's ambition is inclusion. Most children achieve best outcomes when their needs can be successfully met within mainstream schools, supported by early intervention, reasonable adjustments and specialist services. EOTAS remains an important statutory provision for children whose needs cannot be met within any school setting. West Berkshire's approach aligns with the direction of national SEND reform, which seeks both stronger inclusion and improved support for children educated

otherwise than at school. The Council remains committed to delivering the right education, in the right place, at the right time, for every child and young person.

6.2 Key Messages for Members

- The Council's ambition is inclusion. Most children achieve best outcomes when their needs can be successfully met within mainstream schools.
- Mainstream education remains the preferred option wherever appropriate, supported by early intervention, reasonable adjustments and specialist services.
- EOTAS remains an exceptional provision requiring robust evidence and SEND Panel agreement.
- Policy refinement should be viewed as clarification rather than a change in statutory duties.
- West Berkshire's approach aligns with the direction of national SEND reform, which seeks both stronger inclusion and improved support for children educated otherwise than at school.
- The Council remains committed to delivering the right education, in the right place, at the right time, for every child and young person.

7 Appendices

Appendix A – Revised Policy Statement for Section 19, Medical Tuition Service & EOTAS

Appendix B – Previous Version of Policy Statement for Section 19, Medical Tuition Service & EOTAS

Appendix C – New Flowchart in line with the Policy Statement - corrections

Appendix D - Educational Neglect Policy

Appendix E – Officer Responses to Questions Raised by Ms Brown

Appendix A – Revised Policy Statement for Section 19, Medical Tuition Service & EOTAS

Document Control

Document Ref:		Date Created:	December 2025
Version:	4.0	Date Modified:	March 2026

Revision due	July 2027
Owning Service	SEN & Inclusion

Change History

Version	Date	Description	Change ID
1	Dec 2026	New Policy Statement	
2	April 2026	Additional Flowchart added on request of Corporate Board	
3	June/July 2026	Individual Member Decision – complaints raised and corrections made to flowchart & reference to section 61. Included an Introduction section and legal framework	
4	July 2026	Children’s Scrutiny Board	

Legal Framework:

- Children and Families Act 2014.
- SEND Regulations 2014.
- SEND Code of Practice: 0-25 Years.
- Keeping Children Safe in Education (current edition).
- Working Together to Safeguard Children (current edition).
- Supporting Pupils at School with Medical Conditions (DfE, 2015).

Additional Guidance relevant:

- Education and Inspections Act 2006
- Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England (DfE)
- Alternative Provision Statutory Guidance (DfE)
- Arranging Alternative Provision: A Guide for Local Authorities and Schools (DfE, 2025)
- Education Act 1996, Section 19.
- Elective Home Education Guidance for Local Authorities (DfE)

- Education Act 1996, Section 7
- Elective Home Education Guidance for Parents (DfE)
- Equality Act 2010
- Supporting Pupils at School with Medical Conditions (DfE, 2015)
- Arranging Education for Children Who Cannot Attend School Because of Health Needs (DfE, 2023).

Introduction

West Berkshire Council has developed three separate policy statements to support consistent understanding and application of its statutory responsibilities relating to children who are unable to access education through conventional school attendance. While these policy areas frequently intersect in practice, they arise from different legal duties, serve different purposes and apply to distinct groups of children and young people.

It is important that these frameworks are not conflated.

Policy Statement 1: Section 19 Duty relates to the Local Authority's statutory duty under Section 19 of the Education Act 1996 to arrange suitable education for children of compulsory school age who cannot attend school because of illness, exclusion or otherwise. Section 19 is concerned with ensuring continuity of education where a child is unable to access their school placement and focuses on the Local Authority's duty to secure suitable educational provision.

Policy Statement 2: Medical Tuition Service (MTS) describes the operational arrangements through which West Berkshire discharges aspects of its Section 19 duty for children whose medical or health needs temporarily prevent attendance at school. The Medical Tuition Service is a service delivery model rather than a separate legal framework and is intended to provide short-term educational support whilst maintaining the child's connection to their school and supporting reintegration wherever appropriate.

Policy Statement 3: Education Otherwise Than At School (EOTAS) arises from a separate legislative framework under Section 61 of the Children and Families Act 2014. EOTAS is not an attendance intervention, alternative provision arrangement or Section 19 provision. It applies where an Education, Health and Care Plan (EHCP) specifies that a child's special educational provision should be delivered otherwise than in a school because attendance at any school has been determined to be inappropriate for that child's needs.

Whilst there may be circumstances where a child moves between these pathways over time, each framework has its own statutory threshold, decision-making process, review arrangements and legal considerations. Decisions relating to one framework do not automatically determine entitlement under another.

Across all three policy areas, West Berkshire Council remains committed to ensuring that children and young people receive suitable education, appropriate support and timely intervention based on their individual needs and circumstances. The Council's overarching ambition reflects both national policy and local inclusion priorities: wherever possible, children should be supported to access education within their local community and school environment, whilst ensuring that alternative

arrangements are available and accessible when a child's needs cannot appropriately be met within a school setting.

The following policy statements should therefore be read as complementary but distinct documents, each designed to support the Council in discharging specific statutory duties and ensuring that children receive the right support, in the right place, at the right time

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 otherwise —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.

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.
- Schools are expected to provide relevant evidence of the interventions, support and reasonable adjustments undertaken to facilitate attendance and access to education. The Local Authority will consider this alongside all other available information when determining whether its Section 19 duty is engaged and whether alternative provision should be arranged

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),
- commissioned AP,
- or iCollege (PRU).

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)

Education Otherwise Than at School (EOTAS) is an exceptional arrangement available under Section 61 of the Children and Families Act 2014. Before agreeing EOTAS, the Local Authority must be satisfied that it would be **inappropriate for the child's special educational provision to be made in any school or other educational institution**.

The key question is not whether education outside of school would be preferable or more desirable, but whether the child's special educational provision can appropriately be delivered within any educational setting. EOTAS should only be considered where there is robust evidence that education within a school environment is inappropriate for the individual child or young person.

In considering whether the Section 61 test has been met, the Local Authority will have regard to:

- the views of the child or young person and their parents or carers;

- evidence from the current or previous educational setting;
- attendance, engagement and progress information;
- advice from relevant health professionals;
- educational psychology advice and other specialist assessments;
- evidence of reasonable adjustments, SEND support and graduated response activity already undertaken;
- whether mainstream, specialist, resource-base and alternative educational placements have been fully explored and considered.

The Local Authority will expect clear multi-agency evidence demonstrating that suitable provision cannot appropriately be delivered within a school setting. EOTAS will not normally be agreed solely because:

- a child is unwilling or reluctant to attend school;
- a child experiences anxiety without evidence that education in school is inappropriate;
- there are delays in securing a preferred placement;
- there are capacity issues within local schools;
- there is disagreement between parents and a school;
- parents would prefer education to be delivered at home.

The SEND Panel will apply the following decision-making question:

"Is there robust multi-agency evidence that it would be inappropriate for the child's special educational provision to be made in any school setting, in accordance with Section 61 of the Children and Families Act 2014?"

Where EOTAS is agreed:

- the provision must be clearly specified and quantified in Section F of the EHCP;
- Section I may be left blank where appropriate because education is being arranged otherwise than at school;
- the Local Authority will be responsible for arranging the specified provision;
- arrangements will be subject to regular review to determine whether EOTAS remains necessary and appropriate.
- Any decision to change provision will be made using the statutory processes embedded in SEND Code of Conduct

Overview:

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

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

5. 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.

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.

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.

6. 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.

7. 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.

8. Summary of West Berkshire's Section 19 Position

- Schools are ordinarily the best and first place to meet a child's needs.
- School-based solutions should be fully explored before alternative arrangements are considered.
- Decisions are evidence-led, multi-agency and subject to panel scrutiny.
- Reintegration into school remains the preferred outcome wherever appropriate.
- EOTAS remains exceptional and requires SEND Panel agreement supported by robust evidence.
- The policy aims to ensure legal compliance, educational continuity and equitable decision-making for all children and young people.

- 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

Appendix B – Previous Policy Statement for Section 19, Medical Tuition Service & EOTAS

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 Panel² 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.

² 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.

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
- 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.

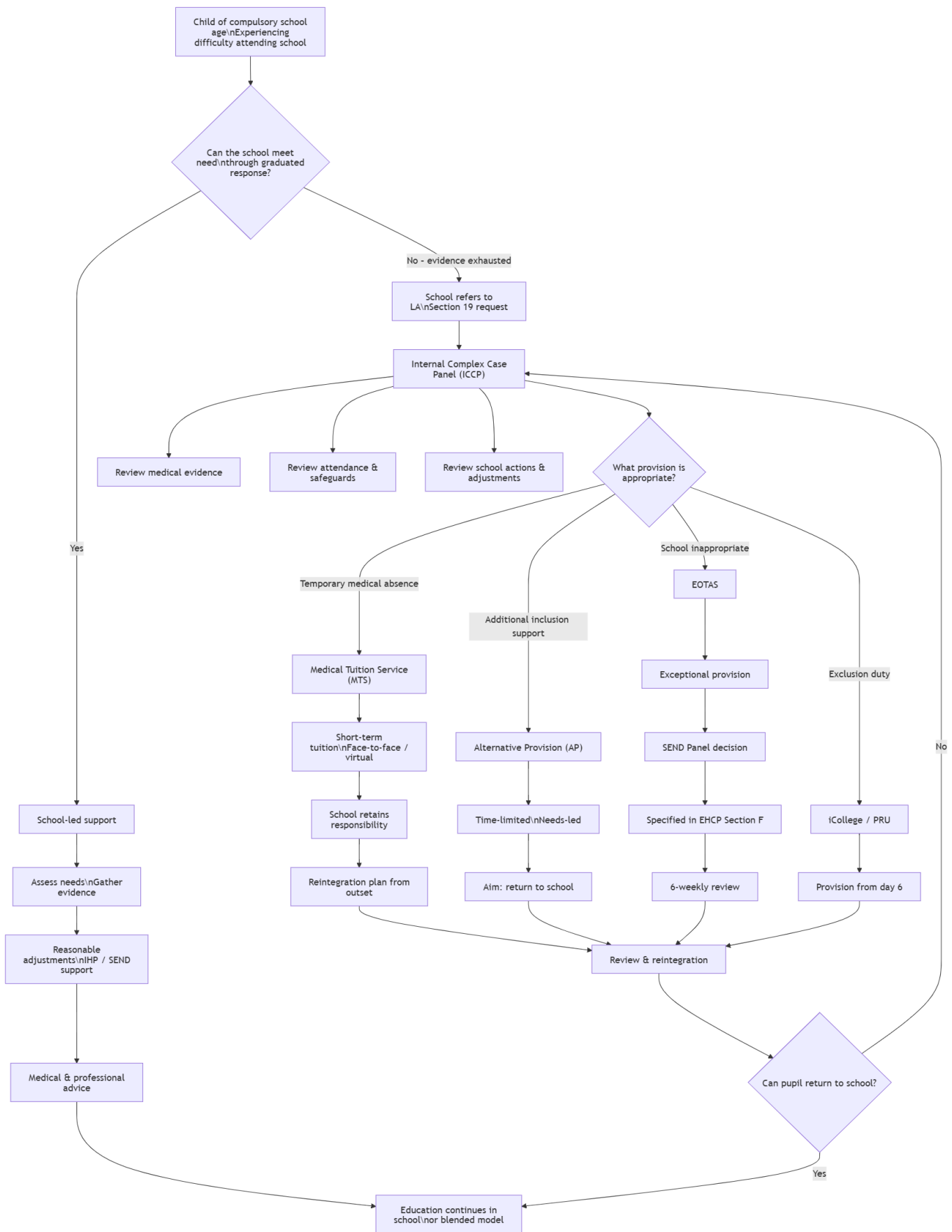
Parents who are dissatisfied with school provision must address concerns through the school's complaint process, not by requesting EHE or Section 19 provision.

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.

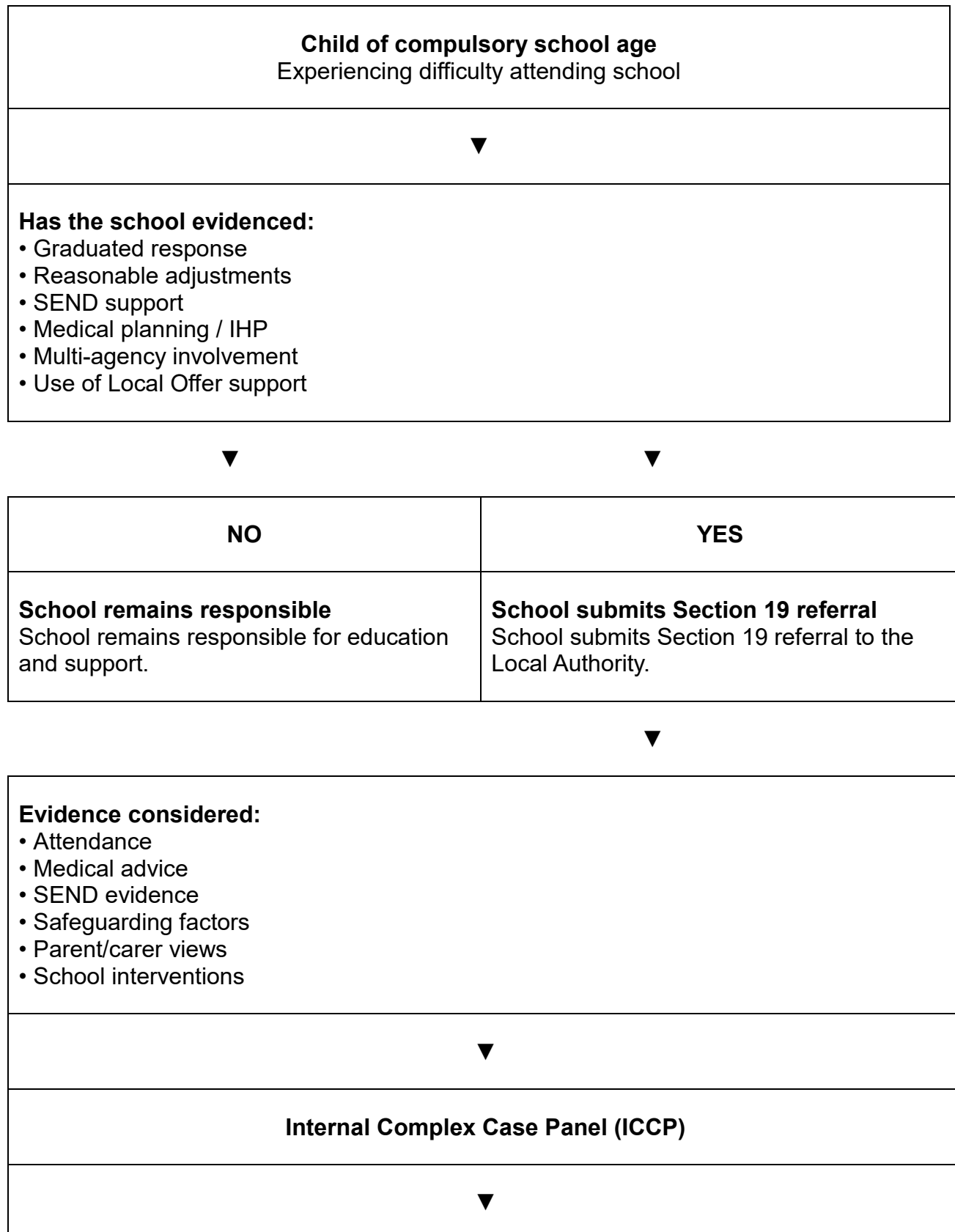
This framework ensures that West Berkshire fulfils its statutory duties, protects children's educational rights, and promotes consistent, equitable decision-making across all settings

Flowchart of Section 19 Processes



Appendix C – New Flowchart (as per policy statement)

Section 19 Decision-Making Flowchart



Is the LA Section 19 duty engaged?



NO	YES
School retains responsibility	Appropriate provision required



MTS	AP
Medical evidence shows pupil cannot currently attend school	Needs-led, time-limited intervention
Medical Tuition Service • Face-to-face • Virtual • AV1	Alternative Provision
Reintegration plan from outset	Reintegration plan from outset



Regular review and progress review 6-weekly
▼
Return to school remains the preferred outcome Unless evidenced as inappropriate

Appendix D – Educational Neglect Policy

Document Control

Document Ref:		Date Created:	April 2026
Version:	1.0	Date Modified:	
Revision due	April 2027		
Author:	Melissa Perry	Sign & Date:	April 2026
Owning Service:	Education Attendance Service		
Executive Director of Children's Services	Sign & Date:	AnnMarie Dodds 09.04.26	
Version	Date	Description	Change ID
1		New Educational Neglect Policy	
2			
3			

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

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.

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.

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.

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.

8 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.

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.

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 and medical.

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:

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.

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.

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.

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.

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.

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.

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

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)

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.

Appendix E – Officer Responses to Questions Raised by Ms Brown

8.1 Question 1: *What is the confirmed timeline for the amended policy documents to be produced and approved?*

Both policy documents have already progressed through the Council's established governance and decision-making processes. Following individual member consultation, a number of comments have been received through correspondence, member feedback and the scrutiny process. Those comments have been considered to determine whether any further clarification would assist in ensuring the documents are consistently understood and accurately reflect the existing statutory framework.

As this was not a published policy and in draft format until approved by the governance procedure, new versions and strengthened content including a corrected flowchart are available today – see Appendix A

8.2 Question 2: *Will the language regarding school-based interventions be removed from the EOTAS policy?*

The Council does not accept the assertion that the policy creates an unlawful gateway to EOTAS. The references within the draft policy to SEND support, professional advice, reasonable adjustments, graduated responses and alternative arrangements are intended to describe the evidential context that is commonly available when EOTAS is being considered. They are not intended to create mandatory preconditions or additional legal tests beyond those contained within legislation.

The Council's position remains that EOTAS decisions must be determined based on the individual child's needs, available evidence, professional advice and relevant statutory processes. Feedback regarding interpretation of this section has been received and officers have considered further clarification would improve understanding and reduce ambiguity. See Appendix A.

8.3 Question 3: Will Section 19 and Section 61 be clearly distinguished and does ICCP apply to EHCP cases?

The Council recognises that Section 19 of the Education Act 1996 and Section 61 of the Children and Families Act 2014 are separate legal frameworks serving different statutory purposes. To strengthen clarity, officers have proposed an introductory statement within the policy framework that explicitly distinguishes Section 19 duties, Medical Tuition Service arrangements and EOTAS provisions under Section 61.

In relation to the Internal Complex Case Panel (ICCP), the Council's position is that the panel does not determine statutory rights under either Section 19 or Section 61. Its function is to provide multi-agency consideration and oversight of complex cases where appropriate. The existence of an EHCP, EOTAS package, alternative provision placement or school placement does not remove safeguarding responsibilities. Safeguarding duties apply equally to all children and professional concerns must be considered in accordance with established safeguarding thresholds and procedures – See Appendix A, Appendix B and Appendix C for further clarity.

8.4 Question 4: Will an LA accountability mechanism be added to the Educational Neglect Policy?

The Educational Neglect Policy is intended as a safeguarding threshold document and not as an accountability framework for Local Authority decision-making. Its purpose is to support identification of educational neglect, assist professional decision-making, establish safeguarding thresholds and promote consistent multi-agency responses.

The Council already operates a range of established accountability and challenge mechanisms through which concerns about Local Authority actions, decisions or services can be raised and investigated. These include complaints procedures, SEND dispute resolution mechanisms, mediation, tribunal processes and Ombudsman oversight. The Educational Neglect Policy already recognises that professional and organisational actions can negatively affect children's access to education and requires these factors to be considered during assessment and planning.

8.5 Question 5: Will the Educational Neglect Policy state that it cannot be applied where a child has an EHCP and the Local Authority has not fulfilled its Section 42 duty?

The Council would not support a blanket statement of this nature. The Educational Neglect Policy is a safeguarding policy rather than a SEND policy. It does not determine entitlement to EHCPs, EOTAS, alternative provision or other educational arrangements.

The existence of an EHCP or EOTAS arrangement does not automatically remove safeguarding responsibilities. Likewise, potential concerns regarding the discharge of SEND duties do not automatically prevent professionals from considering whether safeguarding concerns may exist. Where a child has SEND, medical needs or an EHCP, these factors must be considered as part of any assessment. The policy already states that thresholds do not replace individual assessment and that SEND needs, medical circumstances, lived experience and professional actions must be considered when making decisions.

The Council's position remains that safeguarding concerns should be considered objectively based on all available evidence and individual circumstances.

Document Control

Document Ref:		Date Created:	December 2025
Version:	5.0	Date Modified:	August 2026
Revision due	August 2027		
Author:			
Owning Service	SEN & Inclusion		

Change History

Version	Date	Description	Change ID
1	Dec 2026	New Policy Statement	
2	April 2026	Additional Flowchart added on request of Corporate Board	
3	June/July 2026	Individual Member Decision – complaints raised and corrections made to flowchart & reference to section 61	
4	July 2026	Children's Scrutiny Board	
5	August 2026	Full review of Section 19 Statement & Removal of Flowchart in addition to an update to formatting	

Guidance & Legal Framework:

- [Children and Families Act 2014, section 61,](#)
- [Education Act 1996,](#)
- [SEND Regulations 2014,](#)
- [SEND Code of Practice,](#)
- [Keeping Children Safe in Education,](#)
- [Working Together to Safeguard Children 2026,](#)
- [Supporting pupils with medical conditions at school - GOV.UK](#)
- [Working together to improve school attendance - GOV.UK](#)
- [Allergy safety in schools - GOV.UK](#)
- [School suspensions and permanent exclusions - GOV.UK](#)
- [Keeping children safe in education - GOV.UK](#)
- [Alternative provision - GOV.UK](#)
- [Children missing education - GOV.UK](#)
- [Mental health issues affecting a pupil's attendance: guidance for schools - GOV.UK](#)
- [Inclusion bases in schools - GOV.UK](#)
- [Identifying and supporting the needs of children with SEND in mainstream settings - GOV.UK](#)
- [SEND reform: education otherwise than at school – what parents and carers of children and young people need to know - GOV.UK](#)
- [Equality Act 2010: guidance - GOV.UK](#)

- [Arranging Education for Children Who Cannot Attend School Because of Health Needs \(DfE, 2023\).](#)

1. Introduction

1.1 West Berkshire Council has developed three separate policy statements to support consistent understanding and application of its statutory responsibilities relating to children who are unable to access education through conventional school attendance. While these policy areas frequently intersect in practice, they arise from different legal duties, serve different purposes and apply to distinct groups of children and young people.

It is important that these frameworks are not conflated.

1.3 Policy Statement 1: Section 19 Duty relates to the Local Authority's statutory duty under Section 19 of the Education Act 1996 to arrange suitable education for children of compulsory school age who cannot attend school because of illness, exclusion or otherwise. Section 19 is concerned with ensuring continuity of education where a child is unable to access their school placement and focuses on the Local Authority's duty to secure suitable educational provision.

1.4 Policy Statement 2: Medical Tuition Service (MTS) describes the operational arrangements through which West Berkshire discharges aspects of its Section 19 duty for children whose medical or health needs temporarily prevent attendance at school. The Medical Tuition Service is a service delivery model rather than a separate legal framework and is intended to provide short-term educational support whilst maintaining the child's connection to their school and supporting reintegration wherever appropriate.

1.5 Policy Statement 3: Education Otherwise Than At School (EOTAS) arises from a separate legislative framework under Section 61 of the Children and Families Act 2014. EOTAS is not an attendance intervention, alternative provision arrangement or Section 19 provision. It applies where an Education, Health and Care Plan (EHCP) specifies that a child's special educational provision should be delivered otherwise than in a school because attendance at any school has been determined to be inappropriate for that child's needs.

1.6 Whilst there may be circumstances where a child moves between these pathways over time, each framework has its own statutory threshold, decision-making process, review arrangements and legal considerations. Decisions relating to one framework do not automatically determine entitlement under another.

1.7 Across all three policy areas, West Berkshire Council remains committed to ensuring that children and young people receive suitable education, appropriate support and timely intervention based on their individual needs and circumstances. The Council's overarching ambition reflects both national policy and local inclusion priorities: wherever possible, children should be supported to access education within their local community and school environment, whilst ensuring that alternative arrangements are available and accessible when a child's needs cannot appropriately be met within a school setting.

1.8 The following policy statements should therefore be read as complementary but distinct documents, each designed to support the Council in discharging specific statutory duties and ensuring that children receive the right support, in the right place, at the right time.

2. Policy Statement: Section 19 Duty

2.1 Statutory Duty and Core Principles

2.1.1 West Berkshire Council is committed to ensuring that all children of compulsory school age who cannot attend school because of illness, exclusion, or otherwise receive suitable education in accordance with Section 19 of the Education Act 1996. The Council recognises that its duty under Section 19 is a statutory responsibility which cannot be delegated and that decisions must be made on the individual circumstances of each child.

2.2 School-Led Identification and Graduated Response

2.2.1 The Council recognises that schools are ordinarily best placed to identify needs at an early stage and to implement support that enables children and young people to access education within their school community wherever possible. Schools are expected to follow relevant statutory guidance, including the SEND Code of Practice and *Supporting Pupils at School with Medical Conditions (DfE, 2015)*, to understand, assess and respond to barriers to attendance and participation.

2.2.2 This may include:

- gathering evidence through school-based assessment, records of strategies used and professional advice;
- implementing reasonable adjustments to the timetable, curriculum, environment or method of delivery;
- working with health professionals to understand the impact of a child's needs on attendance and learning;
- developing and reviewing an Individual Healthcare Plan (IHP) or other agreed multi-agency support plan;
- engaging with parents, carers and the child or young person to co-produce support arrangements; and
- recording interventions, attendance patterns, progress and outcomes.

2.2.3 Evidence of a school's graduated response may inform the Local Authority's assessment. However, the Local Authority will independently determine whether a child is unable to access suitable education and whether its statutory duties under Section 19 are engaged. The absence of a completed graduated response, Individual Healthcare Plan, school support process or other internal school procedure will not prevent the Local Authority from considering or discharging its statutory duties.

2.3 Individual Assessment and Intended Outcomes

2.3.1 The Council will consider each case on its individual merits, taking account of all relevant information from schools, parents, carers, health professionals and other agencies.

2.3.2 This approach aims to:

- support children and young people to remain engaged with their school community wherever appropriate;
- ensure education continues in the setting best able to meet the child's needs;
- promote early intervention and coordinated support;
- ensure that alternative provision is considered promptly where a child is unable to access suitable education through their existing placement.

2.4 Nature and Extent of Provision

2.4.1 Provision arranged under Section 19 will normally amount to full-time education. Where medical advice or individual circumstances indicate that full-time provision would not be in the child's best interests, the Local Authority may arrange part-time provision and will keep this under regular review with a view to increasing provision where appropriate.

2.5 School Responsibilities

2.5.1 Schools retain responsibility for pupils on roll and are expected to:

- monitor attendance, welfare and educational progress;
- maintain regular contact with children and families during periods of absence;
- provide work, curriculum access and appropriate support where possible;
- develop and review Individual Healthcare Plans or other support plans where appropriate;
- work collaboratively with families, health professionals and relevant agencies;
- implement reasonable adjustments and other appropriate interventions to support attendance and learning; and
- notify the Local Authority where there are concerns that a child may not be receiving suitable education or may require consideration under Section 19.

2.6 Local Authority Responsibilities

2.6.1 In fulfilling its duties under Section 19, West Berkshire Council will:

- consider all relevant information in determining whether a child is receiving, or can access, suitable education;
- assess referrals and notifications in a timely and proportionate manner;
- consider information received from schools, parents, carers, health professionals and other agencies;
- ensure that internal decision-making processes support, rather than delay, the discharge of statutory duties;
- arrange suitable provision where it is determined that the Council's Section 19 duty is engaged; and
- promote and support reintegration into school wherever this is appropriate and, in the child's best interest.

2.7 Parental Responsibilities

2.7.1 Parents and carers have a legal duty under Section 7 of the Education Act 1996 to ensure that their child of compulsory school age receives an efficient, full-time education suitable to the child's age, ability, aptitude and any special educational needs, either by regular attendance at school or otherwise.

2.7.2 West Berkshire Council recognises that parents and carers are key partners in ensuring children and young people can access education and achieve positive outcomes. Parents and carers are expected to:

- promote and encourage regular attendance and engagement in education wherever reasonably possible;
- work collaboratively with schools, the Local Authority and relevant professionals to identify and address barriers to attendance and learning;
- share relevant information regarding their child's health, wellbeing and educational needs to support appropriate assessment and planning;
- engage with support, interventions and review arrangements designed to secure suitable education for their child;
- provide medical evidence or facilitate engagement with health professionals where this is reasonably required to inform decision-making;

- participate in the development and review of Individual Healthcare Plans (IHPs), Education Health and Care Plans (EHCPs) and other multi-agency support arrangements where applicable;
- notify the school and/or Local Authority where they believe their child is not receiving suitable education or where circumstances have changed significantly; and
- ensure that any education provided otherwise than at school remains suitable where they have elected to make such arrangements themselves.

2.7.3 The Council acknowledges that families may experience complex circumstances which affect school attendance. Parents and carers will be offered appropriate advice, support and signposting wherever possible, and concerns about attendance or access to education will be addressed collaboratively and proportionately.

2.7.4 Engagement by parents and carers with schools and support services will normally assist the Local Authority in understanding a child's needs and determining what educational arrangements may be required. However, a lack of parental engagement will not prevent the Local Authority from considering and discharging any statutory duties owed to the child under Section 19 of the Education Act 1996.

2.8 Trigger, Referral and Complaints

2.8.1 Where it becomes apparent that a child is likely to be absent from school for 15 school days or more, whether consecutive or cumulative, the Local Authority will consider whether its Section 19 duties are engaged and, where applicable, will arrange suitable provision as soon as reasonably practicable. The 15-school-day threshold is not a requirement to delay intervention. The Local Authority will consider whether its duties arise as soon as it becomes aware that a child may be unable to access suitable education, regardless of whether 15 days' absence have elapsed.

2.8.2 Referrals will usually be made through schools as they are generally best placed to provide evidence regarding attendance, support already implemented and the child's educational needs. However, information and concerns raised directly by parents, carers, young people, professionals or partner agencies will also be considered where there is reason to believe that a child may not be receiving suitable education.

2.8.3 Where concerns relate to school-based provision, parents and carers may be advised to utilise the school's complaints procedure where appropriate. However, the existence of a complaint, or the absence of one, will not prevent the Local Authority from considering whether its statutory duties under Section 19 are engaged.

2.9 Local Authority Consideration of Alternative Provision

2.9.1 The Local Authority will consider whether alternative provision is required where evidence indicates that a child may be unable to access suitable full-time education by reason of illness, exclusion or otherwise.

2.9.2 Cases may be considered through the Internal Complex Case Panel (ICCP) to support consistent and evidence-based decision-making. The Panel will review:

- evidence of educational need;
- attendance information;
- medical or professional advice;
- safeguarding considerations;
- the support and adjustments already implemented;
- the child's views and circumstances; and
- any other relevant information.

2.9.3 Panel arrangements will not operate in a way that causes unnecessary delay where the Local Authority considers that its statutory duty under Section 19 may already

be engaged. Panels are held bi-weekly throughout the academic year. Consideration by the Internal Complex Case Panel is a quality assurance and decision-support mechanism and is not a prerequisite to the Local Authority exercising its statutory duties under Section 19. Where urgent circumstances arise, interim decisions regarding educational provision may be made outside the normal panel cycle to ensure that children are not left without suitable education.

2.9.4 Depending on individual need and circumstances, provision may be delivered through:

- the Medical Tuition Service (MTS);
- commissioned Alternative Provision (AP);
- iCollege (PRU); or
- other suitable educational arrangements identified by the Local Authority.

3. Policy Statement: Medical Tuition Service (MTS)

3.1 Purpose and Principles

3.1.1 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.

3.1.2 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.

3.2 Delivery Responsibilities

3.2.1 The Local Authority and MTS will ensure:

3.2.2 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.

3.2.3 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.

3.2.4 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.

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

4.1 Statutory Basis and Threshold

4.1.1 Education Otherwise Than at School (EOTAS) is an exceptional arrangement available under Section 61 of the Children and Families Act 2014. Before agreeing EOTAS, the Local Authority must be satisfied that it would be **inappropriate for the child's special educational provision to be made in any school or other educational institution.**

4.1.2 The statutory test is whether it would be inappropriate for the child's special educational provision to be made in a school or other educational institution. The Local Authority will consider all available evidence in determining whether that test is met. The question is not whether education otherwise than at school would be preferable, but whether a school-based placement would be appropriate to deliver the provision required to meet the child's needs.

4.2 Evidence and Relevant Considerations

4.2.1 In considering whether the Section 61 test has been met, the Local Authority will have regard to:

- the views of the child or young person and their parents or carers;
- evidence from the current or previous educational setting;
- attendance, engagement and progress information;
- advice from relevant health professionals;
- educational psychology advice and other specialist assessments;
- evidence of reasonable adjustments, SEND support and graduated response activity already undertaken;
- the availability, suitability and appropriateness of school-based provision, including mainstream, specialist, resource-base and alternative educational placements where relevant to the child's circumstances.

4.2.2 The Local Authority will expect clear and robust evidence from education, health, social care and other relevant professionals to assist in determining whether education within a school setting would be inappropriate for the child. No single piece of evidence will be determinative, and each case will be considered on its individual circumstances. EOTAS will not normally be agreed solely because:

- a child is unwilling or reluctant to attend school;
- a child experiences anxiety without evidence that education in school is inappropriate;
- there are delays in securing a preferred placement;
- there are capacity issues within local schools;
- there is disagreement between parents and a school;
- parents would prefer education to be delivered at home.

4.2.3 The Local Authority will consider all relevant evidence when determining whether it would be inappropriate for the child's special educational provision to be made in a school. Whilst evidence regarding school-based options will ordinarily assist decision-making, the exhaustion of every potential school-based option is not an inflexible prerequisite where available evidence already demonstrates that education in a school setting would be inappropriate.

4.3 Decision-Making Test

4.3.1 The SEND Panel will apply the following decision-making question:

4.3.2 “Having considered all relevant evidence, is the Local Authority satisfied that it would be inappropriate for the child's special educational provision to be made in a school or other educational institution in accordance with Section 61 of the Children and Families Act 2014?”

4.4 Arrangements Where EOTAS Is Agreed

4.4.1 Where EOTAS is agreed:

- the provision must be clearly specified and quantified in Section F of the EHCP;
- Section I may be left blank where appropriate because education is being arranged otherwise than at school;
- the Local Authority will be responsible for arranging the specified provision;
- arrangements will be subject to regular review to determine whether EOTAS remains necessary and appropriate.
- Any decision to change provision will be made using the statutory processes embedded in SEND Code of Conduct

4.5 Implementation Overview

4.5.1 Relationship with School Responsibilities

- School-based provision will ordinarily be considered as part of the Local Authority's decision-making process. Evidence regarding reasonable adjustments, SEND support, placement reviews, professional advice and previous interventions may assist in determining whether the Section 61 test is met.
- However, the existence or completion of school-based processes will not, by itself, determine whether EOTAS should be considered. The Local Authority will consider all relevant evidence and will reach its own judgment as to whether it would be inappropriate for the child's special educational provision to be made in a school or other educational institution.
- The Local Authority will consider all relevant evidence when determining whether the Section 61 test is met. Whilst evidence regarding school-based provision will ordinarily assist decision-making, the exhaustion of every potential school placement or educational setting is not an inflexible prerequisite where the available evidence demonstrates that education in a school would be inappropriate.

4.5.2 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.

4.5.3 Provision and Review

- EOTAS packages may include tutoring, therapeutic interventions, online learning, community provision, or specialist programmes.

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.

- EOTAS provision will be subject to regular six-weekly progress, safeguarding and quality assurance reviews to ensure ongoing oversight of provision, consideration of the child or young person's needs, and review of any educational placements that may be capable of meeting those needs. These reviews are non-statutory operational reviews and do not replace the statutory review requirements applicable to an EHCP. All EHCP reviews will be undertaken in accordance with the Children and Families Act 2014, the SEND Regulations 2014 and the SEND Code of Practice.

5. Alternative Provision (AP) and Additional Needs

5.1 Purpose and Principles

5.1.1 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.

5.2 Local Support and Multi-Agency Response

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

5.2.2 Where a child is at risk of requiring AP or Section 19 provision, the following teams will collaborate with schools to identify underlying needs and implement appropriate interventions:

- Education Attendance Service
- Inclusion & Reintegration Team
- Educational Psychology Service
- EBSA support, Therapeutic Thinking and Early Help
- SEND Advisory Services
- iCollege (PRU) as commissioned AP

6. Children with EHCPs and Alternative Provision

6.1 School Responsibilities

6.1.1 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.

6.2 Agreement and Statutory Review

6.2.1 If alternative provision is required to deliver Section F of 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

7.1 Prevention and Last-Resort Principle

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

7.1.2 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
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others.

7.2 Council Support

7.2.1 The Council provides support through:

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

8. Exclusion Duties

8.1 Provision Following Exclusion

8.1.1 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.

8.1.2 For suspensions (fixed-period exclusions), the duty to arrange provision from day six lies with the school's governing board, in accordance with the Education and Inspections Act 2006.

9. Elective Home Education (EHE)

9.1 Nature and Consequences of EHE

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

9.1.2 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.

10. Summary of West Berkshire's Section 19 Position

10.1 Key Policy Principles

- Schools are ordinarily the best and first place to meet a child's needs and should be supported to provide inclusive education wherever this is appropriate and in the child's best interests.
- School-based solutions and graduated responses will ordinarily be considered first. However, the Local Authority will consider alternative arrangements whenever evidence indicates that a child may be unable to access suitable education, or where statutory thresholds for Section 19 provision, Alternative Provision (AP) or EOTAS may be met.
- Decisions are evidence-led, child-centred and informed by relevant professional advice, with multi-agency oversight and quality assurance provided through established governance arrangements, including ICCP and SEND Panel processes where appropriate.
- Reintegration into school remains the preferred outcome wherever this is appropriate, achievable and in the child's best interests.
- EOTAS remains an exceptional statutory arrangement under Section 61 of the Children and Families Act 2014 and requires consideration through the SEND Panel, supported by robust multi-agency evidence demonstrating that education in a school or other educational institution would be inappropriate.

- The policy framework aims to promote legal compliance, transparency, educational continuity, safeguarding assurance and consistent, equitable decision-making for all children and young people.
- The Council fulfils its statutory duties in relation to suspensions and permanent exclusions, with provision arranged through appropriate commissioned services, including iCollege where applicable, supported by multi-agency intervention and oversight.
- Elective Home Education (EHE) is a lawful parental choice and remains distinct from the Local Authority's duties under Section 19 of the Education Act 1996. Choosing EHE does not in itself create an entitlement to Section 19 provision

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

This page is intentionally left blank

Educational Neglect Policy

Document Control

Document Ref:		Date Created:	December 2025
Version:	3.0	Date Modified:	July 2026
Revision due	December 2026		
Author:	Melissa Perry		
Owning Service	Education Attendance Service		

Change History

Version	Date	Description	Change ID
1	Dec 2026	New Educational Neglect Policy	
2	March 2026	Removed Acronyms for publish	
3	July 2026	Removal of 'failure to comply'.	

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. Glossary.....	7
15. 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, full-time, 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 multi-agency 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/multi-agency 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. Multi-agency 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 multi-agency 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. Glossary

- **Educational neglect:** persistent failure to ensure a child receives suitable education (e.g., failure to secure attendance; non-engagement 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)

15. 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.

This page is intentionally left blank