

1. Policy Statement: Section 19 Education Duty

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

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

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

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

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

This ensures that:

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

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

A. Delegation and School Responsibility

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

B. LA Duty and Provision

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

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

2. Policy Statement: Medical Tuition Service (MTS)

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

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

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

The Local Authority and MTS will ensure:

A. School-Led Planning

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

B. MTS Provision

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

C. Safeguarding, Quality and Capacity

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

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

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

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

A. Relationship with School Responsibilities

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

B. Decision-Making and Medical Evidence

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

C. Provision and Review

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

4. Alternative Provision (AP) and Additional Needs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Depending on the circumstances, provision may be delivered by:

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

6. Children with EHCPs and Alternative Provision

For pupils with an EHCP, schools must:

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

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

7. Pupils at Risk of Exclusion

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

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

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

The Council provides support through:

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

Exclusion Duties

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

8. Elective Home Education (EHE)

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

When parents choose EHE:

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

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

9. Summary of West Berkshire's Section 19 Position

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

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

Flowchart of S19 Processes

