
Report Title – S19 Statement and Ed Neglect Policy Approval

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

1 Purpose of the Report

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

2 Recommendations

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

3 Implications and Impact Assessment

Implication	Commentary

Financial:	<p>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.</p> <p>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.</p>
Human Resource:	<p>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.</p>
Legal:	<p>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>.</p> <p>Clear articulation of when Section 19 applies, and when it does not, reduces legal risk arising from inconsistency, delay, or inappropriate delegation of responsibility.</p>
Risk Management:	<p>Key risks if implemented:</p> <ul style="list-style-type: none"> • Inconsistent application during early rollout • Increased short-term identification of unmet need <p>Mitigation:</p> <ul style="list-style-type: none"> • Clear governance and leadership accountability • Shared thresholds and multi-agency training • Monitoring through attendance, safeguarding and SEND oversight <p>The risk of non-implementation is significantly higher, including ongoing educational neglect, safeguarding harm, statutory non-compliance and reputational risk.</p>
Property:	<p>There are no property implications.</p>
Policy:	<p>The proposals align with and support:</p>

	<ul style="list-style-type: none"> • Education Act 1996 (including Section 19) • Children Act 1989 & 2004 • Children and Families Act 2014 • Working Together to Safeguard Children • Keeping Children Safe in Education • Working Together to Improve School Attendance • Berkshire West Safeguarding Children Partnership thresholds
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	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x			<p>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.</p> <p>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</p>

<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>	x			<p>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.</p>
<p>Environmental Impact:</p>		x		<p>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.</p>
<p>Health Impact:</p>	x			<p>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.</p>
<p>ICT Impact:</p>		x		<p>No new ICT solutions are required. Existing systems will continue to be used for attendance monitoring, safeguarding records, case management and statutory decision-making.</p>
<p>Digital Services Impact:</p>				<p>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.</p>

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
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4 Executive Summary

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

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

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

5 Introduction

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

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

6 Background

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

6.2 Attendance is a key protective factor for vulnerable children.

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

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

7 Proposals

7.1 The proposals are to:

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

7.2 Clarify that Section 19:

- Is engaged only when schools have exhausted reasonable adjustments
 - Does not replace school responsibility or parental complaint routes
 - Confirm MTS and EOTAS as time-limited, needs-led and exceptional with reintegration as the default goal.
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- Strengthen multi-agency oversight via existing panels (ICCP, SEND Panel).

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

8 Supporting Information

Options for consideration

8.2 Option 1 – Approve the policies (Recommended)

Provides clarity, consistency, safeguarding assurance and statutory compliance.

8.3 Option 2 – Delay approval

Risks continued inconsistency, drift and safeguarding harm.

8.4 Option 3 – Do nothing

Carries significant legal, reputational and safeguarding risk.

9 Proposals

9.1 The proposals are to:

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

10 Conclusion

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

10.2 Approval is therefore recommended.

11 Appendices

11.1 Appendix A – Equalities Impact Assessment –

11.2 Appendix B – S19 Policy Statement

10.5 Appendix C – Educational Neglect Policy

Subject to Call-In:

Yes: No:

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

Wards affected: All

Officer details:

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West Berkshire Council Equity Impact Assessment

TEMPLATE

March 2023

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Section 1: Summary details

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

Authorised By	
Date of Assessment	

Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>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.</p> <p>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.</p> <p>The proposals bring together safeguarding, attendance, SEND and inclusion responsibilities into a coherent framework.</p>
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>The proposals are to:</p> <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> • Embed educational neglect within safeguarding assessments
<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.</p>	<p>National evidence linking persistent absence with poor attainment, safeguarding risk and social exclusion</p> <p>Safeguarding guidance recognising educational neglect as a form of harm</p> <p>Attendance and CME data indicating disproportionate impact on vulnerable children</p> <p>Casework learning showing inconsistency in Section 19 requests and escalation</p>

<p>Alternatives considered / rejected</p> <p>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.</p>	<p>Do nothing / maintain status quo Rejected due to continued inconsistency, safeguarding risk and legal vulnerability.</p> <p>Section 19 led by parental request Rejected as inconsistent with statutory guidance and unsafe for equitable decision-making.</p>
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Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No differential impact identified. Policies apply equally.			Ongoing safeguarding oversight

Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable given child-focused nature of the proposal.			
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Improved consideration of health-related absence and safeguarding for young parents in education.	Multi-agency assessment.		Case review activity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Improved safeguarding oversight for boys and girls, acknowledging gendered patterns in disengagement and attendance.			

Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No differential impact identified. Inclusive safeguarding approach applies.			
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clearer routes into support and provision where access to services is limited.			CME and attendance trends

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

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

Section 4: Review

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

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

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