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

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

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## 1 Purpose and Executive Summary

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

## 2 Recommendation(s)

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

## 3 Background

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

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

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

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

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

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

### **Legal and constitutional points**

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

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

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

(a) To let the decision stand; or

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

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

## 4 Appendices

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

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### Background Information

None

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