
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.
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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.
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- (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
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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.
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- (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,
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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:

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Appendix A

**West Berkshire Council
Equity Impact Assessment**

TEMPLATE

March 2023

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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	