

Attendance and Section 19 of the Education Act (1996) Solihull Metropolitan Borough Council Council's Policy and Process V2.0 – October 2025

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Review	
This policy will be reviewed every three years or where major changes in legislation or policy requires it.	

Introduction

Improving educational outcomes for Solihull's children and young people is a key priority for the council. Solihull Metropolitan Borough Council's (SMBC) vision is that everyone has an equal chance to be healthier, happier, safer and more prosperous through growth that creates opportunities for all. This includes ensuring that children and young people of compulsory school age receive a suitable education either at school or 'otherwise than at school'

The Council recognises that it has a shared responsibility with schools and partner agencies to successfully implement this policy and promote high quality integrated service provision to support positive outcomes for this cohort of children and young people (CYP).

This policy outlines the Council's legal duties under Section 19 of the [Education Act 1996](#) to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

The term 'suitable education' is defined in law as efficient education suitable to the child's age, ability, and aptitude, and to any special educational needs he or she may have. The education that is provided under Section 19 must be full-time unless the Council determines that, for reasons which relate to the child's physical or mental health, it would not be in the child's best interests for full-time education to be provided for them.

The policy applies to all children of compulsory school age who are ordinarily resident in the Borough of Solihull, whether or not they are on a school roll, and whatever type of school they attend.

It does not apply in the case of a child:

- (a) who will cease to be of compulsory school age within the next six weeks, and
- (b) does not have any relevant public examinations to complete.

Where care of the child is shared between two parents, one of whom lives outside the Borough of Solihull, the child will normally be deemed to be ordinarily resident with the parent who is in receipt of child benefit in relation to the child. If this parent lives in the area of a local authority other than Solihull, it is this local authority which will be responsible for arranging Section 19 educational provision for the child. However, every case will be considered on its own facts and the Council will, when deciding whether or not a child is ordinarily resident in Solihull, take into account any Family Court Orders relating to the child's living arrangements which are brought to its attention.

The section 19 duty placed on local authorities and detailed in this policy relates to children of compulsory school age. A child becomes of compulsory school age from the start of the school term which begins on, or following, the child's 5th birthday and ceases to be of compulsory school age on the last Friday in June of the school year in which they turn 16.

This policy and process set out Solihull's approach to meeting the educational needs of children in its area who, for reasons relating to illness, exclusion or otherwise, experience barriers to accessing a full and suitable education offer within school. The Council expects schools to have fulfilled their legal obligations towards any child to whom this policy applies (including the duty to make reasonable adjustments under the Equality Act 2010), and to have followed all relevant statutory guidance (in particular 'Supporting pupils at school with medical conditions and the SEND Code of Practice).

Legal context

This policy has been written with due regard to the following legislation and statutory guidance:

- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- The Equality Act 2010
- 'Arranging Alternative Provision' Statutory Guidance (2025)
- The Children and Families Act 2014
- 'Supporting pupils at school with medical conditions' statutory Guidance (2015)
- SEND code of Practice (2015)
- 'Arranging education for children who cannot attend school because of health needs' Statutory Guidance (2023)
- Summary of responsibilities where a mental health issue is affecting attendance' Guidance (2023)
- 'Suspension and Permanent Exclusion Guidance' (2024)
- 'Working together to improve school attendance' Guidance (2024)
- 'Providing remote education' Guidance (2024)
- Keeping children safe in education (2025)

Aims of the Policy

- To provide clarity regarding roles and responsibilities of schools, the Council and other agencies.
- To ensure that all Solihull-resident children have access to a suitable, full-time education which meets their individual needs to enable them to thrive and fulfil their ambitions and aspirations.
- To ensure, when a Solihull-resident child of compulsory school age is unable to access their educational setting due to illness, exclusion or otherwise, the Council complies with its duty under section 19 of the Education Act 1996 to ensure that suitable educational provision is arranged for them.

Defined Categories and Process

This section provides an overview of the Council's processes and offer for Solihull-resident children who require a Section 19 response under the three identified categories:

- Exclusion
- Illness
- Otherwise

A decision will be communicated to schools no more than five school days after a decision has been made by the Single Panel (refer to Appendix 1 for further information on the process and panel). Locally, permanent exclusions are not reviewed at Single Panel as the Council is already required to arrange educational provision from the beginning of the sixth school day following the exclusion. If the child has an Education, Health and Care Plan (EHCP), then an annual review of the EHCP may be required.

For children who are Electively Home Educated (EHE), it would be assumed that the child is receiving appropriate education in the home environment, unless this has been deemed unsuitable by the Council's EHE Lead.

Where the Council offers (based on an assessment of need) alternative educational provision that it deems to be suitable for the child, and which it is "reasonably practicable" for the child to access, it is not under a duty to provide further alternative education if the child is not taking advantage of that facility. Parents should be aware that it is their duty (under Section 7 of the Education Act 1996) to ensure that their child of statutory school age receives an efficient full-time education, either by regular attendance at school or otherwise. Parents who fail to ensure that their child receives such an education (including those who unreasonably refuse the Council's offer of alternative educational provision) may be referred to the Council's Attendance Team.

Exclusion

If a Solihull-resident child has been permanently excluded from the school at which they are a registered pupil, the Council must arrange suitable education for the child from the sixth school day following the exclusion. In Solihull, this is arranged by the Education Participation & Advisory Service and Commissioning Team.

The headteacher/school is required to report permanent exclusions to the Council without delay, in-line with the Suspension and Permanent Exclusion Statutory Guidance. Schools are requested to notify the Council via the [Exclusions notification form](#). If schools have any queries, these should be sent to exclusions@solihull.gov.uk

It is critical that the excluding school provides all relevant and appropriate information via the Exclusion Notification Form to support the Council in identifying the most appropriate provision and desired outcomes for the child.

Provision of education for permanently excluded pupils is ordinarily overseen and/or delivered by Solihull Alternative Provision Multi Academy Trust (SAPMAT), which is commissioned to provide a borough-wide service offer.

Following a permanent exclusion, SAPMAT, supported by the Council and wider agencies, is responsible for facilitating the child's reintegration back into an appropriate and sustainable educational placement. In exceptional circumstances, where a child for whom an EHCP is maintained is permanently excluded from a mainstream or specialist education provision (i.e. a maintained special school or special academy / free school), and where SAPMAT are unable to arrange the provision specified in the child's EHCP without additional support, the EHCP and EPAS team will work closely with the excluding school, the child's family and SAPMAT to put in place a suitable interim educational offer.

Illness (physical and mental health)

The Children and Families Act 2014 and the SEND Code of Practice 2015 highlight schools' legal duty to support pupils with health needs, including through the making of reasonable adjustments (i.e. in accordance with schools' duties under the Equality Act 2010) and otherwise.

Short-term illnesses or chronic medical conditions are usually best met by school support and resources. Such conditions that might meet this definition include short term post-operative support and periods of reduced immunity.

The Council undertakes Targeting Support Meetings (TSMs) as part of its attendance duties. These meetings:

- help identify, discuss, agree and monitor action plans and joint approaches for severely absent pupils; and
- discuss and agree approaches for persistently absent pupils where they have barriers to attendance that require a multi-agency response to overcome.

In most cases, schools will effectively support children with health needs using their own resources, in accordance with the "Supporting pupils at school with medical conditions' statutory Guidance" (2015). However, in some situations, the Council may need to coordinate the support that a child requires. To help the Council determine when this is the case, schools should notify the child's home Council. using the Council's Online Sickness Absence Form:

- a Solihull-resident child is not accessing education because of their health needs, and
- they have been absent because of their health needs (i.e. Attendance Code 'I') for a total of 15 days (consecutive or cumulative) or more over the course of the same academic year.

Schools have a duty under the Equality Act 2010 to make reasonable adjustments to allow disabled pupils to access a suitable full-time education (or as much as the child's health condition can manage) in line with statutory guidance. This may include arrangements for school work being sent home for short periods of absence, a part-time timetable or remote/virtual learning. Every effort will be made to minimise disruption to the child's education and to maintain their sense of connection and belonging to their school community.

The Attendance & EHE Team will collate and review the notifications received, considering the education being provided by the child's school with a view to ensuring continuity for the child. However, it is recognised that in some

circumstances this may not be possible and provision for such cases may require additional advice and/or support from the council.

Where an absence is planned (e.g., hospital admission or recurrent stay in hospital), educational provision should begin as soon as the child is well enough. Teachers in the hospital setting will liaise with the child's home school and work with them to minimise any disruption to their education. Where a child is, or is likely to be, absent for a period of 15 days or longer due to their health needs, schools are required to notify the Council.

Once it has been notified by a school that a child will be absent for 15 days or more, the Council will work together with the school, health, and other professionals (where appropriate, reviewing any medical evidence) to determine whether the duty under section 19 has arisen in the circumstances. If it is determined that the Council's duty under section 19 has arisen, steps will be taken to ensure that suitable educational provision is secured for the child as soon as possible. If it is determined that the section 19 duty has not arisen in the circumstances (e.g. because suitable educational provision is already available to the child, and the Council is satisfied that it is reasonably practicable for the child to access that provision), the Council may refer the child's parents to the Attendance & EHE Team (i.e. on the basis that the parents may be failing in their duty to ensure that the child receives an efficient education).

To ensure that children who are absent because of their health needs are supported effectively, the Council co-ordinates decision making and support through the Single Panel. Terms of reference for Single Panel is included at Appendix 2. Outcomes from the Single Panel may include, but are not limited to:

- The Council advising and supporting schools to make reasonable adjustments if it considers that the child could be appropriately supported to attend school.
- Provision commissioned via the Solihull MBC Flexible Contracts arrangements (FCA) which may include, live on-line learning, AV1 robots or face to face tuition (refer to EPAS Extranet page for further details).
- Securing other suitable short-term educational provision via the Council's commissioned placements with AP providers.

Any alternative education provision arranged should be considered as a time-limited intervention, with the expectation that it will support the child's reintegration back into their "home" school at the earliest opportunity.

Otherwise

“Otherwise” is a broad category which covers circumstances other than illness or exclusion in which it is not reasonably possible for a child to take advantage of any existing suitable schooling. For example; a child whose bail conditions state they are not able to attend school, would meet section 19 criteria.

In all cases, councils must consider the individual circumstances of each particular child and be able to demonstrate how they made their decisions. They must take account of all available evidence and record the reasons for their decisions. They may need to make decisions in cases where they do not have all the evidence they would like. **Local Government and Social Care Ombudsman ‘Out of School, Out of Sight?’ 2022**

“Otherwise’ (as opposed to illness or exclusion) is intended to cover any other situation in which it is not reasonably possible or reasonably practicable for a child to access and take advantage of any existing suitable schooling. The Council will therefore only arrange alternative educational provision for a child under the ‘otherwise’ category of Section 19 if it assesses that it is not reasonably practicable for the child to access the education that is available to them at their current school. In these circumstances, it is expected that the home school would have provided support through a graduated response and that initial assessments will have taken place.

Process for accessing section 19 provision

The Council has established a process for making informed decisions as to whether Section 19 duties have arisen in relation to a Solihull resident child. The Single Panel is the usual forum for the making and recording of such decisions. The Single Panel is made up of Council children's service officers, senior leaders from Solihull schools, and a medical representative, who meet on a fortnightly basis to avoid drift and delay in decision making and ensure that agreed actions are implemented promptly. Single Panel will consider and determine whether Section 19 is secured in relation to the child whose case is under consideration.

Where Single Panel determines that section 19 duty has not arisen (for example, because suitable educational provision is already available to the child, and it is reasonably practicable for the child to take advantage of that provision), it will make recommendations to the child's school regarding further support / interventions that may be appropriate for the child.

If Single Panel determines that the Section 19 duty has arisen in relation to a child, arrangements will be made for suitable educational provision to be put in place for the child as soon as possible. The child's home school is expected to contact parents/carers to discuss the agreed arrangements for the proposed educational provision, taking the parent/carer and child's views into account. Ordinarily, this contact will take place within five school days of the meeting of Single Panel, unless exceptional circumstances apply.

Where it has arranged section 19 provision for a child, the Council will jointly (i.e. with the home school) monitor the attendance and progress of that child. Where this is the case, these children should be coded absence code K on the school register for the sessions that the provision is being provided for the child. This is because the Council is providing the education for the child. It should not be a blanket code K and should only be for the sessions when the child is expected to attend the provision.

The only exception to this is where the section 19 provision has been arranged by the Council following the permanent exclusion of the child. In these circumstances, absence code E will continue to be used until such time as the child's name is removed from the school's admission and attendance registers (i.e. following an unsuccessful application by the parent to the Independent Review Panel, or where no such application has been made, once the statutory deadline for submitting the application has passed).

Identification and Referrals

When a child is already on roll at a school/setting, the school/setting is responsible for notifying the Council (i.e. via the Sickness Absence Notification and/or Single Panel referral) that the child is currently unable to access suitable educational provision.

Where a child is not on a school roll (for example, the child has only recently moved into the borough, but is currently too unwell to attend a school setting) the parent/carer should be advised to contact SMBC's Admissions Service in the first instance: admissions@solihull.gov.uk.

Single Panel does not accept direct referrals from parents, as the statutory duty to assess and arrange suitable education lies with the Council. Referrals must come through recognised professionals, such as schools or health services, to ensure appropriate evidence is provided and decisions are made in line with statutory guidance and safeguarding protocols.

Reintegration and Review

- Alternative educational provision that is arranged for Solihull-resident children under Section 19 is time limited; specifically, for a period of 12 to 20 weeks. However, each case is assessed individually, with decisions on extended placements informed by professional advice and guided by what is considered to be in the child's best interests. Progress reviews should be held by the home school and alternative provision provider a minimum of every five weeks.
- At each review, the home school and alternative provision provider (where appropriate, an EPAS officer) will consider the appropriateness of the child returning to their "home" school. The Council will work with the relevant alternative educational provision provider, parents/carers and home school to try and ensure the best possible outcomes for the child.

Funding Arrangements

- When the Council determines that Section 19 has arisen in relation to a child residing in Solihull, educational provision for children with medical needs, those not otherwise receiving education, and those who have been permanently excluded is funded through the Council's Dedicated Schools Grant.
- When the Council has determined that Section 19 has arisen and where the child concerned is on roll at a school, a proportionate amount of pupil funding (Age Weighted Pupil Unit, AWPU) will be reclaimed from the host school (including out of borough settings) for the period that Section 19 applies, to support with funding the provision, as agreed by Solihull Schools Forum. This arrangement ceases when the child is reintegrated back to their home school or are no longer on the roll of the home school.

- When a child's name is removed permanently from the admission and attendance registers of their home school (for example, following a permanent exclusion) and is admitted to another school or alternative provision, a mandatory funding adjustment is made by the Council. Details of these adjustments are set out in the 'Redetermination of budgets' sections of the 'Schools operational guide' on (www.gov.uk)

How to comment or complain

- If parents/carers are concerned about the support being provided for their child by their school, they should discuss their concerns directly with the setting. If, for whatever reason this does not resolve the issue, they may make a formal complaint via the school's complaints procedure, which should be outlined on their website. In the case of academies, parents/carers can raise concerns with the academy or trust directly using the appropriate complaints procedure, which should be outlined on their website. If parents do not feel that their concerns have been adequately addressed, they can raise their concerns with the Department for Education - <https://www.gov.uk/complain-about-school>
- If a parent/carer or school is unhappy with the Council's arranged provision or other related matters, in the first instance they should contact the Council department supporting the child to discuss the issue. If for whatever reason this does not resolve the issue, they may make a formal complaint via the Council's complaints procedure see [**Complaints and feedback about Council services | Solihull Metropolitan Borough Council.**](#)

Appendices

Appendix 1: DfE guidance that outlines how local authorities and schools can best support children who cannot attend school because of physical or mental health needs

Appendix 2: Single Panel - Terms of reference

Appendix 3: Section 19 Summary Flowchart