

# Supporting children and young people who are unable to attend their educational setting



## Introduction

1. Birmingham City Council (the Council) is committed to ensuring that all children and young people (CYP) in Birmingham thrive by feeling connected, confident, included, safe, healthy, happy, and respected. This is delivered through our overarching principles:
  - Children and young people are at the heart of everything we do.
  - We are ambitious for every child and young person in Birmingham.
  - We are one partnership with one set of priorities.
  - We are relationship based and restorative in our approach.
2. This policy outlines the Council's legal duties to children of compulsory school age<sup>1</sup> who for by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. It also provides the Council's policy for CYP who are not of compulsory school age.
3. This policy has been written with due regard to the following legislation and statutory guidance:
  - The Education Act 1996
  - The Equality Act 2010
  - The Children and Families Act 2014
  - 'Alternative Provision' Statutory Guidance (2013)
  - 'Arranging education for children who cannot attend school because of health needs' Statutory Guidance (2023)

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<sup>1</sup> As defined by section 8 Education Act 1996 - <https://www.legislation.gov.uk/ukpga/1996/56/section/8>

- 'Suspension and Permanent Exclusions' Statutory Guidance (2023)
- 'Working together to improve school attendance' Guidance (2022)
- 'Summary of responsibilities where a mental health issue is affecting attendance' Guidance (2023)
- 'Providing remote education' Guidance (2023)

## **Aims of the policy**

4. The Council's aim is to ensure that all CYP receive a suitable, full-time education which meets their individual needs to enable them to thrive and fulfil their dreams and aspirations.
5. When a child of compulsory school age is unable to access their educational setting due to illness, exclusion or otherwise, the Council must consider whether it has a duty under section 19 of the Education Act 1996 to make suitable provision for them.
6. All CYP must receive a good education, regardless of their circumstances or the settings in which they find themselves. Where the Council has a duty to secure alternative provision, this must appropriately meet the individual needs of the child and enable them to achieve good educational attainment on par with their mainstream peers.

## **Medical needs & illness**

7. CYP may have health/medical needs which require support at any time whilst they are in education. These may be physical health needs or mental health needs. This policy applies when a CYP is too unwell to attend school due to their health/medical needs and may require alternative arrangements to be made. The NHS has produced helpful guidance on when a child may be too ill to attend school - <https://www.nhs.uk/live-well/is-my-child-too-ill-for-school/>.

8. CYP with medical conditions should be properly supported so that they have full access to education. Governing bodies must ensure that arrangements are in place in schools to support pupils at school with medical conditions in accordance with the 'Supporting pupils at school with medical conditions' Statutory Guidance 2015.<sup>2</sup> This includes having clear school policies for supporting pupils with medical conditions and ensuring these pupils can access and enjoy the same opportunities at school as any other child.
9. Schools can do a lot to support the education of pupils with health needs and the sharing of information between schools, health services and the Council is important. Schools can also play a big part in making sure that the provision offered to the child is as effective as possible and that the child can be reintegrated back into school successfully.
10. Where possible, the child's health needs should be managed by their school so that they can continue to be educated there with support, and without the need for the intervention of the Council. The school should develop good support for pupils with physical or mental health conditions. For example, by making reasonable adjustments where a pupil has a disability or putting in place an individual healthcare plan where needed. The setting should also consider whether additional support from external partners (including the Council or health services) would be appropriate and, if necessary, make referrals in a timely manner and work together with those services to deliver any subsequent support.
11. Parents also have a vital role to play, and schools should have a publicly accessible policy that sets out how schools will support children with health needs including a named person who can be contacted by the Council and by parents. Regular communication should be maintained between a named member of school, the child, and parents/carers to promote engagement and welfare, monitor progress and any safeguarding concerns. Schools should also ensure that children and young people and their parents/carers successfully remain in touch through school newsletters, emails, and invitations to school events.

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<sup>2</sup> [Supporting pupils at school with medical conditions \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424222/Supporting_pupils_at_school_with_medical_conditions.pdf)

12. There will be a wide range of circumstances where a child has a health need but will receive suitable education that meets their needs without the intervention of the Council – for example, where the child can still attend school with some support; where the school has made arrangements to deliver suitable education outside of school for the child; or where arrangements have been made for the child to be educated in a hospital by an on-site hospital school. In these cases, the Council would not need to arrange any additional education, provided it is satisfied that the child is receiving suitable education.
13. However, as soon as it is clear that the school can no longer support the child's health needs and provide suitable education, the school **must** notify the Council.
14. The law does not specify the point during a child's illness when it becomes the Council's responsibility to secure suitable full-time education. However, when the Council becomes aware that a child of compulsory school age is unable to access their educational setting due to illness for 15 days or more, whether consecutive or cumulative, and suitable education is not otherwise being arranged, the Council has a duty to secure suitable and flexible education appropriate to their needs.
15. A child unable to attend school because of health needs must not be removed from the school register without parental consent and certification from the school medical officer, even if the Council has become responsible for the child's education. Continuity is important for children and knowing that they can return to their familiar surroundings and school friends can help their recovery and their educational progress.
16. [ROLE and name TBC] is the named officer responsible for the education of children with additional health needs. Further details can be found on the Council's Local Offer website - <https://www.localofferbirmingham.co.uk/>.

### **Support for families and schools**

17. Schools should work with professionals and make full use of the available services which can provide advice and guidance to support children to remain in school such as:

- School Health Support Service which supports children with health concerns which are impacting on their ability to participate fully in education -  
[https://www.birmingham.gov.uk/info/20014/schools\\_and\\_learning/692/home\\_education/7](https://www.birmingham.gov.uk/info/20014/schools_and_learning/692/home_education/7)
- Forward Thinking Birmingham including STICK (Screening, Training, Intervention, Consultation, Knowledge) Team -  
<https://forwardthinkingbirmingham.nhs.uk/stick-team>
- The #YouveBeenMissed campaign is led by Forward Thinking Birmingham, Birmingham City Council and Birmingham Education Partnership supporting pupils, parents, carers and professionals to aid our children and young people manage their mental wellbeing in school. As part of the project, clear guidance for schools and primary care professionals has been developed to support children and young people to remain in school. A range of resources, videos and webinars has also been created for children, young people, parents/carers and professionals to support the mental wellbeing of children and young people in Birmingham - <https://bwc.nhs.uk/youve-been-missed>
- Specialist SEND Support Services e.g. Educational Psychology Service (EPS), Pupil and School Support (PSS), Communication and Autism Team (CAT), Physical Difficulties Support Service (PDSS) -  
<https://www.localofferbirmingham.co.uk/send-support-and-information/specialist-send-support-services/>
- Social Care - <https://www.birminghamchildrenstrust.co.uk/>

18. Schools can also contact the Council's Education Legal Intervention Team which provides statutory support and advice to schools and other services where there are concerns about pupil attendance. Primarily, the team fulfils the Council's statutory responsibility of investigating unauthorised absence and uses enforcement powers where parents have failed to provide suitable education for their child or have failed to ensure their child attends school regularly. The team also provides training and advice to schools on legal action, pupil registration and deletion from roll.

19. The team also provides a triage service for social workers and family support workers concerned about the attendance of children with child in need/child protection plans. For more information on attendance, deletion from roll and legal processes please look at the team's website -

[www.birmingham.gov.uk/school-attendance](http://www.birmingham.gov.uk/school-attendance)

### **Evidence of medical needs**

20. It will be necessary for the Council to be provided with evidence of the child's medical needs and the impact on their ability to access education. The medical evidence should be provided by a clinical specialist such as a consultant.

21. All medical evidence will be used to better understand the needs of the child and identify the most appropriate provision. The Council, working closely with the child's school, medical practitioners (such as a GP or consultant) and the child's family, will make every effort to minimise the disruption to a child's education by identifying the most suitable provision.

22. The Council will work closely with medical professionals, the school and the child's family, to obtain and consider medical evidence. Where specific medical evidence, such as that provided by a medical consultant, is not quickly available, the Council will consider evidence from other medical professionals, such as the child's GP.

23. Once appropriate medical evidence has been provided, the Council will only seek continuing evidence where this is necessary.

### **Notification**

24. The child's school has a duty under regulation 12(1)(a) of the Education (Pupil Registration) (England) Regulations 2006 to provide to the Council, at agreed intervals, the full name and address of any pupils of compulsory school age who are not attending school regularly (including due to their health needs).

25. When a child of compulsory school age is unable to access their educational setting due to illness for 15 days or more, whether consecutive or cumulative, their educational setting **must** notify the Council's named officer responsible for

the education of children with additional health needs. This notification must include:

- The child's details – name, date of birth, UPN.
- The parent/carer's details.
- Details of the child's medical needs including any supporting medical evidence.
- Details of any SEND including whether they have an EHCP.
- The educational provision and support that has been in place to date.
- Whether a referral to James Brindley Academy has been made to arrange alternative provision or whether James Brindley Hospital School are involved?

26. The Council will carefully consider the referral and determine whether its duty to secure suitable alternative provision has arisen. A decision will be communicated to the school and parents within 5 working days of receiving the notification.

### **Children with EHCPs**

27. If a CYP with an EHCP experiences health difficulties which impact their attendance, their setting should involve appropriate external professionals who can provide advice and support to settings such as:

- SEND advisory teams e.g. Pupil and School Support (PSS), Communication and Autism Team (CAT), Physical Difficulties Support Service (PDSS)
- Educational Psychology Service (EPS)
- Health Services e.g. School Nursing Service, Forward Thinking Birmingham
- Social Care



28. Referrals to appropriate external professionals **must** be made in a timely manner and the school must work together with those services to deliver any subsequent support.
29. The setting must also inform the CYP's SEND Case Officer with the Special Educational Needs Assessment and Review Service (SENAR) so SENAR can then support and advise the setting. It may be appropriate for settings to request an early annual review is held where there has been a change in the CYP's needs and the provision they require.
30. If a child of compulsory school age with an EHCP is unable to access their educational setting due to illness for 15 days or more, whether consecutive or cumulative, their educational setting **must** notify the Council's named officer responsible for the education of children with additional health needs and the SEND Case Officer in SENAR. Any arrangements for alternative provision will need to be done in consultation with SENAR considering the child's identified SEND and the special educational provision they require as outlined in their EHCP.

### **Arranging alternative provision**

31. Children unable to attend school because of health needs should be able to access suitable and flexible education appropriate to their needs. The nature of the provision must be responsive to the demands of what may be a changing health status.
32. Where the Council has identified that alternative provision is required, it must be arranged as quickly as possible.
33. The provision will aim to ensure that:
- Pupils make good progress in their education and do not fall behind their peers.
  - Disruption to learning is minimised and there is a continuity of education provision within the school curriculum.
  - Pupils can obtain qualifications as appropriate to their age and abilities.

- Pupils can reintegrate successfully back into school and that this takes place as soon as their health permits.
- Pupils feel fully part of their school community and can stay in contact with their peers.

34. The alternative provision should be full-time. “Full-time education” is not defined in law, but it should equate to what the pupil would normally have in school - for example, for pupils in Key Stage 4 full-time education in a school would usually be 25 hours a week. If alternative provision is delivered by one-to-one tuition, for example, the hours of provision could be fewer as the provision is more concentrated.

35. It may not be in the child’s best interests to receive full time provision for reasons which relate to their physical or mental health. In these cases, the Council will arrange part-time provision on a basis it considers to be in the child's best interests in consultation with the child’s parents/carers, educational setting, and medical professionals.

36. The alternative provision **must** be reviewed on at least a half termly basis to ensure this remains suitable for the child. This is the responsibility of the officer/school/hospital who has commissioned or made a referral to the alternative provision.

37. If a child is unable to attend school due to illness, provision will be arranged through James Brindley Academy (JBA) - [www.jamesbrindley.org.uk](http://www.jamesbrindley.org.uk). JBA provides the following types of provision:

- **Hospital School** – For children and young people aged 2-19, with an inpatient admission, hospital schools (which in Birmingham is provided by James Brindley) provides access to education in general and mental health hospitals across Birmingham. Within hospital centres, partnership working, integration and flexibility is key to effective educational outcomes during a young person's stay. James Brindley staff work as part of the multi-disciplinary team within the centre to ensure that potential barriers to learning are accounted for and a bespoke package of education delivered in liaison with the home/schools to ensure continuity in provision.

Teaching models across centres vary, depending on the young person's needs and the hospital centre environment. Teachers may deliver education to pupils in a number of ways: 1:1 next to the bed side, small groups on the ward, in classrooms within the hospital or in small provisions adjoining the hospital.

- **Short Term Provision (STP)** - provides education for children and young people, aged 4 to 16, who are unable to access their school due to their health condition. Pupils receive access to a minimum of five hours of lessons a week, which can be clustered to support a fun, creative and supportive timetable that will best suit the learning needs of the pupil, maximising pupils' progress. The STP Team works closely with the Council, pupils, parents, schools, health professionals and other relevant agencies, to ensure that pupils have appropriate access to education and continue to make progress whilst they are unable to attend school. This multi-agency approach focusses on providing a time limited provision that includes the pupil's educational and wider support requirements. Teaching takes place at different locations depending on the needs of the pupil, some of these locations include: James Brindley centres; home schools; local colleges; and the pupil's home. Referrals will always be guided by health professionals regarding a pupil's ability to access education and, as such, all referrals for STP must be supported by medical evidence stating the reason for non-attendance at school and the anticipated length of absence. Placements will only be offered where the referral criteria is met as stated in the JBA referrals policy [23-24-Referrals-and-Admissions-Policy-.301419123-1.pdf \(jamesbrindley.org.uk\)](#)

38. Where provision through JBA is not deemed an appropriate provision for whatever reason, the Council will make alternative arrangements. This may include:

- Access to an alternative provider e.g. COBS
- Access to home tutoring arranged through a provider approved by Birmingham City Council e.g. the Council's Home Bridging Team or the Virtual School Tuition Framework for Birmingham children in care.

- Access to on-line learning either through the school where the child is registered or through an approved online school.

## Suspension & Permanent Exclusions

39. For the vast majority of pupils, suspensions and permanent exclusions will not be necessary and other strategies will be successfully used to identify and address their behaviour. Suspensions and permanent exclusions should only be used as a last resort when all other strategies and support have been exhausted.

40. **Alternative provision can be important in managing behaviour and providing alternatives** to exclusion. This can include outreach support for pupils in mainstream schools and offering short term places to pupils who need a time-limited intervention away from their mainstream school.

41. If children are suspended from school for more than five school days or are permanently excluded from school, suitable full-time education must be arranged no later than the sixth school day following the suspension or exclusion:

- For a suspension of more than five school days from a school, the governing body **must** arrange suitable full-time education for any pupil of compulsory school age. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that, if a child has more than five consecutive school days of suspension, education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

- For suspensions of more than five school days from a PRU, the Council **must** arrange suitable full-time education for any pupil of compulsory school age.
- For permanent exclusions, the Council **must** arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.
- Provision does not have to be arranged by either the school or the Council for a pupil in the final year of compulsory education who does not have any further public examinations to sit.
- In all cases, provision should be arranged as soon as possible to help minimise the disruption that the suspension or permanent exclusion can cause to a pupil's education.
- If the pupil who is suspended/excluded is a Looked After Child, the school or Council should arrange alternative provision from the first day of suspension/exclusion in line with the child's needs and their Personal Education Plan (PEP)
- Where a pupil has an EHCP, the Council may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

### **Notification**

42. The headteacher **must** inform the Council without delay of all school exclusions regardless of the length of the exclusion, in line with the Suspension and Permanent Exclusions Statutory Guidance and the Council's Exclusion Guidance.

43. For a permanent exclusion, if the pupil lives outside the LA area in which the school is located, the headteacher **must** also notify the pupil's 'home authority' of the permanent exclusion and the reasons for it without delay.

44. Notifications **must** include the reasons for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion, the fact that it is permanent.

### **Arranging alternative provision**

45. If a child is unable to attend school due to a permanent exclusion, education will be arranged for them at City of Birmingham School (COBS) which is the Council's PRU. COBS has several teaching campuses across the city offering personalised educational programmes to pupils from 5 to 16 -

<https://cobschool.com>

46. Provision at COBS will be arranged by the Council's Exclusions Team once it is notified of the permanent exclusion (or over five day suspension from a PRU). If the child has an EHCP, the exclusions team will liaise with the SENAR service to ascertain its views on the suitability of the alternative provision proposed.

47. Where provision through COBS is not deemed an appropriate provision for whatever reason, the Council will make alternative arrangements. This may include:

- Access to an alternative provider e.g. COBS places based on SEMH needs evidenced by the referrer or JBA referrals by schools for JBA Teaching Centres;
- Access to home tutoring arranged through a provider approved by Birmingham City Council e.g. the Council's Home Bridging Team or the Virtual School Tuition Framework for Birmingham children in care;
- Access to on-line learning through an approved online school.

### **Absence for 'Otherwise' reasons**

48. Apart from illness and exclusion, there may be other reasons why a child cannot reasonably attend their education setting. Consideration needs to be given to the

specific factors in each case to determine if the Council's duty under section 19 of the Education Act 1996 to arrange suitable alternative education arises.

49. If a child of compulsory school age is unable to attend school for a period of 15 days or more, their educational setting **must** notify the Council. The notification must include:

- The child's details – name, date of birth, UPN.
- The parent's/ carer's details.
- Details of the reasons for the child's absence including any supporting evidence.
- Details of any SEND including whether they have an EHCP.
- The educational provision and support that has been in place to date.
- Whether a referral to alternative provision such as JBA teaching centres or COBS has been made by the school

50. Both the Council and the provisions will carefully consider the referral and determine whether its duty to secure suitable alternative provision has arisen. A decision will be communicated to the school and parents within 5 working days of receiving the notification.

### **Arranging alternative provision**

51. If a child is unable to attend their school for other reasons and the Council accepts its section 19 duty has arisen, the Council will arrange suitable alternative provision through COBS or make a referral to JBA via their placement panel. If the child has an EHCP, the view of the SENAR service on the suitability of the alternative provision proposed will be sought before any provision is arranged.

52. Where a referral for provision has been by JBA or COBS or is not deemed an appropriate provision for whatever reason, the Council will make alternative arrangements. This may include:

- Access to an alternative provider
- Access to home tutoring arranged through a provider approved by Birmingham City Council e.g. the Council's Home Bridging Team or the Virtual School Tuition Framework for Birmingham children in care
- Access to on-line learning either through the school where the child is registered or through an approved online school.

53. The alternative provision **must** be reviewed on at least a half termly basis to ensure this remains suitable for the child. This is the responsibility of the officer school or hospital who has commissioned the alternative provision.

## **CYP below & above compulsory school age**

54. The Council's duty to arrange alternative provision under section 19 only applies to children of compulsory school age<sup>3</sup>. The Council understands that there may be occasions when CYP under or over compulsory school age may require alternative provision to be made for them.

55. In these cases, the Council would expect the educational setting the CYP attends to support them and their family to secure suitable alternative provision and minimise the disruption to their education.

56. If their setting cannot arrange alternative provision for CYP without an EHCP, the Council will consider whether there are exceptional circumstances which require the Council to use its discretionary powers to arrange suitable alternative provision.

57. If a CYP has an EHCP, the Council's duty to secure the special educational provision in Section F of their EHCP under section 42 of the Children and Families Act 2014 applies even if the CYP is not of compulsory school age. When the SENAR service is notified that a CYP is unable to attend their setting due to illness, exclusion or otherwise, it will consider whether it needs to arrange

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<sup>3</sup> As defined in section 8 Education Act 1996 - <https://www.legislation.gov.uk/ukpga/1996/56/section/8>



alternative provision to secure the special educational provision the CYP requires.

## Raising concerns

58. 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 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>

59. If a parent/carer is unhappy with the Council's arranged alternative provision or other related matters, they should contact the Council in the first instance to discuss the issue:

- For children absent due to medical needs - [ROLE], the named officer responsible for the education of children with additional health needs.
- For children who have been excluded from school – Exclusions Team – 0121 303 2685.
- For children who are absent from school for other reasons – Contact TBC
- For children who have an EHCP – SENAR – <https://www.localofferbirmingham.co.uk/education-health-and-care-plan/senar/>

60. If parents/carers remain unhappy, they can make a formal complaint via the Council's complaints procedure - [https://www.birmingham.gov.uk/info/50172/comments\\_compliments\\_and\\_complaints](https://www.birmingham.gov.uk/info/50172/comments_compliments_and_complaints)

61. If parents/carers are dissatisfied with the Council's responses to their complaint (after being considered at Stage 2 of the Council's complaints procedure), they may submit a complaint to the Local Government and Social Care Ombudsman (LGSCO). The LGSCO investigates complaints in a fair, impartial, and independent way. Parents/carers must submit complaints within 12 months of becoming aware of the matter. Further information including how to submit a complaint can be found on the LGSCO's website – [www.lgo.org.uk](http://www.lgo.org.uk). Alternatively, the LGSCO can be contacted on 0300 061 0614.

62. Parents/carers can seek further support, advice, and guidance from the following organisations:

- Coram Child Law Advice Service which provides legal advice and information on child, family and education law for parents, carers and young people in England:

Website: <https://childlawadvice.org.uk/>

Tel: 0300 330 5485 (10am to 4pm, Monday to Friday)

Email advice: <https://childlawadvice.org.uk/clas/email-advice-education/>

- Birmingham Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) offers impartial information, advice and support to children and young people with special educational needs or disabilities:

Website: <https://www.localofferbirmingham.co.uk/what-is-send/what-is-sendiass/>

Tel: 0121 303 5004 (8:45am to 5pm, Monday to Friday)

Email: [sendiass@birmingham.gov.uk](mailto:sendiass@birmingham.gov.uk)