



**Policy Statement:**  
**Education under Section 19**  
**of the Education Act 1996**

**London Borough of Hillingdon**  
**April 2026**

**London Borough of Hillingdon**

**POLICY STATEMENT:  
EDUCATION UNDER SECTION 19 OF THE EDUCATION ACT 1996**

Contents

1.	Introduction	3
2.	Legal Context	5
3.	What is Section 19?	6
4.	Roles and Responsibilities	8
5.	Commissioning Teams	11
6.	Referral and Decision-Making Process	12
7.	Parental Concerns	13
8.	Funding	14

## 1. Introduction

**1.1** This guidance sets out how Hillingdon Council fulfils its statutory duty under [Section 19 of the Education Act 1996](#) to arrange suitable education for children and young people who cannot attend school. It provides clarity for schools, parents, and professionals on the processes, expectations, and responsibilities involved in delivering high-quality education outside the usual school setting.

**1.2** This guidance applies to:

- Children of compulsory school age who are ordinarily resident in Hillingdon
- Pupils who cannot attend school for reasons including:
  - Medical needs (physical or mental health)
  - Exclusion or suspension
  - Other circumstances where attendance is not possible, such as (list is not exhaustive):
    - Pregnancy or post-natal recovery where school attendance is temporarily impractical
    - School closure or unsafe premises (eg., due to fire, flood, or structural issues)
    - Placement breakdown for children in care awaiting a new school placement
    - Severe anxiety or trauma following a safeguarding incident or bereavement
    - Awaiting specialist provision (eg., a child with an Education, Health and Care Plan (EHCP) where no suitable school place is currently available)
    - Legal restrictions such as bail conditions preventing attendance at a particular school

**1.3** Please note that this guidance does not replace statutory duties under special educational needs and disabilities (SEND) legislation or safeguarding frameworks but should be read alongside them.

**1.4** The legal framework which underpins this guidance includes:

- [Education Act 1996, Section 19](#): Duty to provide “suitable education at school or otherwise than at school” for children unable to attend
- DfE Statutory Guidance: [‘Arranging education for children who cannot attend school because of health needs’](#) (December 2023)
- DfE Statutory Guidance: [‘Supporting pupils at school with medical conditions’](#) (December 2015)
- DfE Statutory Guidance: [‘Arranging Alternative Provision’](#) (February 2025)

Related legislation and guidance include:

- [Equality Act 2010](#)
- [Section 7 of the Education Act 1996](#)
- [Children and Families Act 2014](#)
- DfE Statutory Guidance: [‘Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’](#) (August 2024)
- DfE Statutory Guidance: [‘Children missing education’](#) (updated 8 September 2025)
- DfE Guidance: [‘Working together to improve school attendance’](#) (August 2024)
- DfE Guidance: [‘Summary of responsibilities where a mental health issue is affecting attendance’](#) (February 2023)
- DfE Guidance: [‘Providing remote education’](#) (updated 19 August 2024)

- Local Government & Social Care Ombudsman focus report: '[Out of school, out of sight?': Ensuring children out of school get a good education](#)' (updated August 2023)

**1.5** Local authority documents related to this guidance include:

- [Hillingdon Council's Exclusions and Suspensions guidance 2025/26](#)
- [Hillingdon Council's Children Missing Education policy 2025/26](#)
- [Hillingdon Council's Attendance Support guidance 2025/26](#)
- [Hillingdon Council's Part-time Timetable guidance 2025/26](#)
- [Hillingdon Council's Education for Children Unable to Attend School due to Additional Health Needs guidance \(April 2025\)](#)
- [Hillingdon Council's SEND and AP Strategy 2023-28](#)

**1.6** Hillingdon's approach is underpinned by the following principles:

- **Child-Centred**: Provision must meet the individual needs of the child and support their well-being
- **Timely Intervention**: Education should start as soon as reasonably possible, ideally within 15 school days of confirmed absence
- **Collaboration**: Schools, parents, health professionals, and the local authority work together to plan and deliver provision
- **Reintegration**: The ultimate goal is to support the child's return to school or transition to an appropriate setting

## 2. Legal Context

**2.1** Under [Section 7 of the Education Act 1996](#), parents must ensure that their children of compulsory school age receive efficient, full-time education suitable to their age, ability, aptitude, and any special educational needs, either by regular attendance at school or otherwise.

**2.2** Local authorities have a range of powers and duties under the Education Act 1996 when parents do not fulfil their legal duty to ensure their child receives suitable education. These measures can include issuing penalty notices, applying for school attendance orders or education supervision orders, and taking enforcement action where necessary to uphold parental obligations.

**2.3** [Section 19 of the Education Act 1996](#) requires local authorities to arrange suitable education for children of compulsory school age who cannot attend school because of illness, exclusion from school, or other reasons. This duty for Hillingdon Council applies to all children living in Hillingdon, regardless of whether they are on a school roll or the type of school they attend.

**2.4** To support the local authority in their Section 19 duty, schools are required under [Regulation 13 of the School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#) to provide to the local authority the full name and address of any pupils of compulsory school age who are not attending school regularly.

**2.5** “Suitable education” means efficient education suitable to the child’s age, ability, aptitude, and any special educational needs. Provision may include home tuition, online learning, hospital education, or placement in alternative provision. For children with SEND, education must be accessible (in relation to communication, sensory and physical needs), must be adapted to the child’s learning profile and support regulation and emotional readiness to learn, including specialist input when required (even short term).

**2.6** Education arranged under Section 19 must be full-time, or, in the case where the local authority consider that full-time education would not be in the child's best interests for reasons which relate to the physical or mental health of the child, on such part-time basis as the local authority consider to be in the child’s best interests. Legislation does not prescribe a fixed number of hours that constitute full-time education. For Section 19 purposes, full-time education is interpreted through statutory guidance and case law as education broadly comparable to mainstream provision. It is important to note that for children receiving individual tuition rather than attending a school setting, full-time education does not usually mean the same number of hours as a school timetable. Tuition is more intensive, and many children are able to make appropriate progress with fewer hours. As a result, individual tuition is often delivered for up to around 15 hours per week, depending on the child’s age, circumstances, health, and ability to engage. The exact number of hours will be decided based on the child’s individual needs and reviewed regularly.

**2.7** This guidance only applies to Hillingdon Council’s Section 19 duty to consider education otherwise than at school (EOTAS). Elective home education (EHE) and EOTAS under [Section 61 of the Children and Families Act 2014](#) do not fall into the remit of this guidance. However, if Section 19 provision is being put in place for a child where SEND needs are identified, the SEND review should take place, and consideration should be given to EOTAS where school attendance is no longer viable long term.

### 3. What is Section 19?

**3.1** Section 19 of the Education Act 1996 places a duty on local authorities to arrange suitable education at school or elsewhere for children of compulsory school age who are out of school because of exclusion, illness or for other reasons **if they would not receive suitable education without such arrangements.**

**3.2** In addition, statutory guidance states that the duty applies where a child has or is likely to be absent for 15 days or more (consecutively or not) and **the school is unable to provide educational support.**

**3.3** Schools should always continue to provide education to children with health needs who can attend school. Schools can also manage longer-term absences through the use of work sent home, remote or online learning packages, etc. The local authority does not need to become involved in such arrangements unless it is informed or has reason to believe that the education being provided by the school is unsuitable or unsustainable.

**3.4** The Section 19 duty placed on local authorities and detailed in this guidance relates to those of compulsory school age: children aged 5 to 16 (from the school term after a child's fifth birthday, until the last Friday in June of the school year they turn 16).

**3.5** In the interim period where an assessment of need is undertaken to inform the local authority's Section 19 offer, the child's current school is expected to provide education. This can be provided through remote education provision as soon as reasonably practicable.

**3.6** Where the local authority offers (based on an assessment of need) an alternative education that it deems to be reasonably practicable for a child, it is not under a duty to provide further alternative education because 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 secure an education for children of compulsory school age, which, in this circumstance where a Section 19 offer has been made, is available.

**3.7** It is important to recognise that Hillingdon Council's responsibilities in relation to their Section 19 offer differs slightly for those with an EHCP compared to those without an EHCP. These differing responsibilities are as follows:

#### Child without an EHCP:

- the local authority where a child resides is responsible for Section 19 provision.
- if the child resides between different addresses in a split family, residence is determined based on where the child spends most of their time.
- if the child ordinarily resides in two local authorities equally, then both authorities can discuss and agree sharing the responsibilities for Section 19 provision; if an agreement cannot be reached, then the local authorities can refer to the Secretary of State for a decision.

#### Child with an EHCP:

- the local authority who is responsible for maintaining the EHCP is responsible for maintaining their provision - this includes Section 19 provision.
- even if a school in another local authority is named, the local authority responsible for maintaining the EHCP is responsible for the Section 19 provision.

**3.8** For children with identified SEND needs, Section 19 provision must reflect these SEND needs, whether or not the child has an EHCP. Alternative provision must be appropriately differentiated,

adapted, and supported for SEND. The SEND duties continue to apply in full when a child is out of school falls under Section 19. Section 19 cannot be used to dilute, delay, or substitute SEND entitlements. Evidence of SEND Support, reasonable adjustments, and alternative provision (AP) strategies must be considered. The Section 19 duty does not replace school's SEND Support responsibilities. Section 19 provision for EHCP pupils must deliver Section F provision.

## 4. Roles and Responsibilities

### Permanent Exclusions and Suspensions

**4.1** It is essential that pupils continue learning during any suspension or permanent exclusion so that they can maintain progress and achieve their potential.

**4.2** For suspensions lasting more than five school days, the school must arrange suitable full-time education for pupils of compulsory school age. This is known as Alternative Provision (AP) and must start no later than the sixth school day of the suspension.

**4.3** In cases of permanent exclusion, the local authority is responsible for arranging appropriate full-time education from the sixth school day following the exclusion. This provision should be full-time or, where the local authority considers that full-time education would not be in the child's best interests for reasons relating to the child's physical and mental health, on such part-time basis as the authority consider in the child's best interests.

**4.4** When informing parents about a suspension or permanent exclusion, schools should clearly explain what arrangements have been made for the pupil's education before alternative provision begins or before the pupil returns to school, in line with legal requirements. For more details, refer to the DfE Statutory Guidance [‘Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’](#) (August 2024) and [Hillingdon Council's Exclusions and Suspensions guidance 2025/26](#).

**4.5** Schools should aim to reduce the impact of suspension or exclusion on a pupil's education. Although the legal duty to provide full-time education begins on the sixth day, starting provision earlier is strongly encouraged. If alternative provision cannot be arranged during the first five school days, schools should take reasonable steps to set and mark work for the pupil.

**4.6** Parents and carers must ensure their child is supervised during school hours on these days and their child completes the work provided. This helps the pupil stay on track with learning and reduces the risk of involvement in anti-social behaviour.

### Illness

**4.7** Schools have a legal responsibility to support pupils with medical needs, as outlined in the Department for Education's statutory guidance [‘Supporting pupils at school with medical conditions’](#) (December 2015). Short-term illnesses or ongoing conditions are usually best managed through school-based support and resources. Examples include recovery following surgery or temporary periods of reduced immunity.

**4.8** Schools must make reasonable adjustments to ensure pupils can access suitable education, full-time where possible, or as much as their health allows. This could include sending work home for short absences, implementing a part-time timetable, or providing remote learning options. Prior to requesting that Hillingdon Council considers the need for alternative education provision for a child with identified needs relating to illness, schools should refer to their own medical needs policy (as required by statutory guidance) and consider seeking advice from health professionals, including Hillingdon's Designated Clinical Officer (DCO).

**4.9** Every effort should be made to reduce disruption to the child's education. If an absence is planned, such as a hospital stay, teaching should begin as soon as the child is well enough. Hospital teachers will liaise with the pupil's school to keep learning on track.

**4.10** If a pupil is, or is expected to be, absent for 15 school days or more due to a medical condition, their school must inform the local authority. Once notified, the Council will work with the school, health professionals, and other agencies to ensure appropriate education is provided that meets the child's individual needs and helps them continue learning.

Where possible, the Council will seek to maintain continuity by using school-based provision. However, in some cases, additional input or specialist support may be required, and the local authority has responsibility for assessing and coordinating this. For more details, please refer to Hillingdon Council's policy on [Education for Children Unable to Attend School due to Additional Health Needs](#).

**4.11** In Hillingdon, there is a single approach for children requiring a Section 19 response under the category of illness, ensuring adherence to [statutory guidance](#). In relation to this cohort of children, Hillingdon Council adopts an agile response to understanding needs and reaching a decision point in line with [DfE guidance](#):

- a) The Pupil Support Team (PST) offer a short-term provision providing educational support for children of compulsory school age on the roll of a school in Hillingdon who, due to illness, require suitable alternative arrangements for their education whilst unfit to attend their home school. This may be through a referral by a school supported by a GP, paediatrician or a referral for Child and Adolescent Mental Health Services (CAMHS) care coordinator to the School Placements and Admissions team. PST has a clear admissions criterion which requires the referral to be supported by the medical professional responsible for the ongoing treatment. This enables ongoing advice and guidance to the PST to enable them to build the right educational provision around a child's health needs.
- b) Where a child does not meet the admissions criteria for PST, Hillingdon Council's Attendance Support team will work closely with multi-agency partners with relevant expertise to ascertain the most appropriate package of support. As part of this process, Hillingdon Council will consider the individual circumstances of each child, including how the home school has provided support through a graduated response and what reasonable adjustments have been put in place to support the child to attend school, such as a reduced timetable or access to a school's pastoral unit. Hillingdon Council will also consider any medical evidence or advice when deciding what arrangements are required to fulfil a suitable education.

#### Children Not Receiving Suitable Education for Other Reasons

**4.12** If a child is unable to attend school for reasons other than illness or exclusion, Hillingdon Council will review the situation on a case-by-case basis. Each child's circumstances will be considered individually, considering all relevant information and evidence. This assessment will guide the Council's decision on what action, if any, is required to ensure the child receives appropriate education. The steps involved in this process are outlined in the following section.

**4.13** When considering a Section 19 'otherwise' referral, Hillingdon Council's Attendance Support team will:

- consider the individual circumstances of each child, irrespective of the reported reason for absence;
- consult with all professionals involved with the child's education and welfare and consider all available evidence prior to determining a referral to ensure an informed decision is reached; and
- take action that is in the best interests of the child.

**4.14** In determining whether the Section 19 'otherwise' threshold has been met, each commissioning team will assess the following:

- Is the child of compulsory school age?
- Would the child receive suitable education without statutory intervention?
- Is the child currently attending school?
- Is it practicable for the child to attend school with reasonable adjustments?
- Is the child unable to attend school, but able to access education?
- Is there any identified risk to a child attending alternative education? (consideration must be given to the likelihood that this will be on compressed hours)
- What evidence is available and what is this suggesting?
- What is the longer-term plan for the child and how does alternative education support this?
- What are the views of the child and their family?
- What are the views of the wider professional network?

**4.15** Where commissioning teams are unclear as to whether the Section 19 'otherwise' threshold has been triggered, referrals will be shared with at a multi-disciplinary panel for review (see section 6).

**4.16** Where it has been determined that the threshold for Section 19 'otherwise' has not been met, a rationale for the decision will be shared with the referrer. Recommendations may be provided to support a way forward to promote regular attendance, including signposting to other services.

## 5. Commissioning Teams

### The Access to Education team

**5.1** The Access to Education team is responsible for arranging suitable education for Hillingdon children who:

- have been permanently excluded from school;
- are medically too unwell to attend school, whether due to their physical or mental health; or
- are not in school due to other exceptional circumstances.

**5.2** The named officer in Hillingdon who is responsible for the education of children with health needs is the Assistant Director for Education, queries can be directed to

[vulnerablelearners@hillingsdon.gov.uk](mailto:vulnerablelearners@hillingsdon.gov.uk).

### The SEND EHC team

**5.2** The SEND Education, Health and Care (EHC) team has a key role in ensuring that children and young people with SEND continue to receive suitable education when they are unable to attend school and a Section 19 response is being considered or implemented. Where a child or young person has an EHCP, the SEND EHC team retains responsibility for oversight of the child's statutory SEND entitlements and for ensuring that the local authority continues to meet its duty under [section 42 of the Children and Families Act 2014](#) to secure the special educational provision set out in the EHCP.

**5.3** The SEND EHC team will work in partnership with the Access to Education team, the child's school, parents/carers, and relevant professionals to ensure that any education arranged under Section 19 is appropriate to the child's age, ability, aptitude, and special educational needs, and, where applicable, delivers or aligns with the provision specified in the EHCP.

**5.4** The SEND EHC team will also consider whether a review of the EHCP is required, including bringing forward an early interim annual review where a child's inability to attend school indicates that the current placement or provision may no longer be suitable. Where EOTAS or a change in placement may need to be considered, the SEND EHC team will lead the statutory decision-making process in accordance with SEND legislation.

### Hillingdon Virtual School

**5.5** Hillingdon Virtual School helps Cared for Children, previously Cared for Children, those subject to a kinship arrangement, and children with a social worker to become successful learners.

**5.6** Hillingdon Virtual School will consider the Council's Section 19 statutory duty to provide suitable education for Cared for Children and previously Cared for Children who are awaiting a school place.

## 6. Referral and Decision-Making Process

**6.1** When a child cannot attend school for reasons other than illness or exclusion, the local authority will review each case individually. All relevant information will be considered, including input from the home school (the school that the child is on the admission register of before they enter alternative provision), parents, and professionals, to decide what support is needed. Whilst this decision is being made, it is expected that the home school will make suitable interim arrangements for the child's education.

**6.2** Referrals for Section 19 provision can be made by a parent/guardian or by any professional linked to a child. To help the local authority reach a swift and accurate decision, a [form](#) should be submitted by the referrer which includes all the relevant details relating to the child's current circumstances and the reasons they are unable to attend school other than due to exclusion or illness.

**6.3** Following submission, this form will be triaged by the Attendance Support team. As part of this process, an Attendance Support Officer may be in touch with the parent(s), home school and any other relevant professionals to discuss the circumstances surrounding the child's lack of access to education. This initial assessment will establish the most appropriate next steps for providing suitable education. This could include:

- a) School Support: where it is assessed that the home school have not adequately met their duties to provide education, the Attendance Support Officer will provide guidance and support to ensure this is put in place swiftly, including liaising with relevant multi-agency partners.
- b) Access and Inclusion Panel: a referral to this panel may be made by the Attendance Support Officer if the child is assessed to need more targeted support. This panel meets regularly to review referrals and determine the most appropriate educational support required on an individual basis. It ensures decisions are made promptly and consistently so children receive support without unnecessary delay.
- c) Hillingdon Education Safeguarding Panel (HESP): High-risk children who require multi-agency input will be referred to HESP. This panel brings together representatives from education, health, and social care to provide a holistic view of the child's needs. HESP ensures that decisions are well-informed and that any additional support or specialist provision is identified promptly.

**6.4** Once any Section 19 provision is in place, progress is monitored every six weeks. Reviews involve the home school, parents, and relevant professionals to ensure the education provided continues to meet the child's needs. Adjustments are made as circumstances change, with the aim of reintegrating the child into school wherever possible. The child must remain on roll with their home school unless there are grounds to remove them from the roll.

**6.5** The decision to cease an alternative education offer provided through a Section 19 referral will rest with the commissioning team. The commissioning team will review all available information before reaching its decision and will provide a written rationale for case closure.

**6.6** Case closure will only be agreed if the commissioning team is satisfied that Hillingdon Council does not have any further obligation under its Section 19 duty.

## **7. Parental Concerns**

**7.1** It is acknowledged that parents/carers may have reservations about the alternative education offer that has been made available for their child. Where this is the case, we are committed to engaging with parents and providing information and support to ensure a full understanding of the benefits of the education on offer, and to try and support the child in receiving suitable and proportionate education whilst they are unable to attend school.

**7.2** Hillingdon Council will consider any concerns that the parent/carer may have about the appropriateness of the alternative education offer in the context of its statutory duties.

**7.3** Where Hillingdon Council determines the alternative education offer to remain suitable to the child's needs, there is an expectation that the child will engage with the alternative education offer that has been provided.

**7.4** Where a child is struggling to engage with the alternative provision offer, Hillingdon Council will explore barriers to engagement and consider reasonable adjustments to support improved attendance.

**7.5** Where there is limited evidence of impact, Hillingdon Council will consider whether parents/carers are fulfilling their legal responsibilities under section 7 of Education Act 1996 to ensure their child is in receipt of a suitable and efficient education. Where necessary, this could involve a referral to the Children Missing Education team or the Attendance Support team for further action to be considered in line with Hillingdon Council's statutory duties.

**7.6** Where parental concerns relate to the suitability of education provided under Section 19 for a child with SEND, these will be considered in line with the local authority's duties under SEND legislation. For children and young people with an EHCP, concerns about the delivery or appropriateness of provision may trigger a review of the plan. The use of Section 19 arrangements does not remove or limit parents' rights to request reviews, raise concerns about SEND provision, or access SEND related dispute resolution routes.

## **8. Funding**

**8.1** Where a child remains on a school roll, and Hillingdon Council has commissioned alternative education in accordance with its Section 19 duty, Hillingdon Council will recoup a proportion of age-weighted pupil unit (AWPU) funding from the school to ensure that the funding follows the child. This arrangement would cease when the child is reintegrated back into school or is no longer on roll to the school.

**8.2** Section 19 provision will not ordinarily be used to meet the needs of children and young people with SEND where those needs can be appropriately met through existing SEND arrangements, including school-based provision, SEND Support, or provision secured through an EHCP. Section 19 will only be considered where it is absolutely necessary to ensure that a child who is unable to attend school would otherwise not receive suitable education.

**8.3** Where Section 19 provision is agreed, funding will be arranged in line with the local authority's established commissioning arrangements. However, funding considerations or commissioning routes do not override the local authority's statutory duties. The local authority remains responsible for securing suitable education under Section 19 of the Education Act 1996 and, where applicable, for securing special educational provision in accordance with section 42 of the Children and Families Act 2014. These duties must be met regardless of the setting in which education is delivered. However, the local authority must ensure the efficient use of public resources while meeting its statutory duties to secure suitable education and SEND provision.