



Policy Statement

Ensuring a good education
for children who cannot
attend school because of
health needs

September 2021

1. Maintaining children and young people's education in Bath and North East Somerset

All children and young people in Bath and North East Somerset should continue to have access to education when they are ill or unable to attend school for other medical reasons. The nature and amount of educational activity they do must always be dictated by their medical condition, balanced with the need to help them keep up with their studies and maintain the momentum of their education.

2. Main legislative framework

Section 19 of the Education Act 1996

Equality Act 2010

Supporting pupils at school with medical conditions, statutory guidance for governing bodies of maintained schools and proprietors of academies in England, Department for Education, December 2015

Ensuring a good education for children who cannot attend school because of health needs, statutory guidance for local authorities, Department for Education, January 2013

Alternative Provision, Statutory guidance for local authorities, Department for Education, January 2013

3. Local authorities must arrange suitable full time education (or as much education as the child's health condition allows) for children of compulsory school age who, because of illness, would otherwise not receive suitable education.

What this means in practice in Bath & North East Somerset

Section 19 of the 1996 Education Act outlines the duty of the Local Authority (LA) to arrange education for "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." Bath & North East Somerset Council fulfil this duty through commissioning places through the Hospital Education and Reintegration Service (HERS).

The Local Authority is responsible for arranging education for pupils of compulsory school age who are resident in Bath & North East Somerset and are medically unfit to attend their registered school/academy. Education will only be arranged for children who are not able to attend their education provision due to a medical condition and only for the duration of that medical condition.

It is Bath and North East Somerset's policy that schools/academies will be responsible for arranging education for pupils under and over compulsory school age who are medically unfit to attend their school/academy.

If a pupil is unable to attend school due to hospitalisation then the LA will provide suitable alternative education (in line with the pupil's health condition) through the commissioned Hospital Education and Reintegration Service. On leaving hospital the HERS will liaise with the school to continue providing suitable education in line with their health needs until they are reintegrated back into school. The school will be charged for this service as agreed via Schools Forum.

For pupils whose parents/carers have elected to home educate, educational support will be offered for pupils during hospital stays.

Where a pupil is considered unfit to attend school full time, evidenced through medical advice, the school is required to make reasonable adjustments to accommodate the pupils continued access to education. Cost must not be a barrier to accessing education. Schools/academies should have a policy for supporting pupils with medical conditions to ensure children can enjoy and access the same opportunities at school as any other child. Where there is no evidence to support absence attributed to illness the school/academy should follow their normal attendance procedure.

Where a pupil is considered unfit to attend school, evidenced through medical advice, the school is required to make every effort to provide an alternative in order to accommodate the pupils continued access to education e.g. via HERS. Cost must not be a barrier to accessing education.

Where full time education would not be in the best interests of a particular pupil because of reasons relating to their physical or mental health the LA (through schools, who continue to have day to day responsibility) should provide part time education. This will be in consultation with medical professionals to provide what is considered to be in the pupil's best interests. Full and part time education should still aim to achieve good academic attainment particularly in English, Math and Science.

HERS will not supplement education for children who are attending their registered school/academy on a part time basis. The school/academy is expected to support this provision until the pupil can return full time. The LA is able to provide advice and guidance on the best way of meeting the pupil's educational needs and the plans that should be drawn up. The school/academy should contact Children Missing Education Service or the LA Officer responsible for children health needs for advice.

Schools/academies and the LA must not have a blanket policy regarding what constitutes reasonable adjustments or the level of access; decisions must be made on an individual basis and according to the needs of the pupil. Many pupils with medical or health needs may be considered as 'disabled' under disability discrimination legislation.

- 4. The LA should ensure the education children receive is of good quality as defined in the statutory guidance Alternative Provision (2013), allows them to take appropriate qualifications, prevents them from slipping behind their peers in school and allows them to reintegrate back into school as soon as possible.**

What this means in practice in Bath & North East Somerset

HERS is a commissioned service via Bath & North East Somerset Council. The delivery and quality of the service is regularly monitored and reviewed through a contract monitoring process.

In addition to this, schools/academies need to review the provision offered to individual pupils regularly to ensure that it continues to be appropriate for the pupil and that it is providing suitable education.

- 5. LAs should provide education as soon as it is clear that the child will be away from school for 15 days or more, whether consecutive or cumulative where no suitable education has been arranged.**

What this means in practice in Bath & North East Somerset

Schools are asked to liaise with appropriate medical professionals, whether funded by NHS England or arranged privately by parents/carers and to refer to HERS using the Single Point of Access (SPA) referral form accompanied by the supporting medical evidence.

For pupils requiring HERS support following a stay in hospital the consultant will complete the HERS medical form and hospital teaching staff will forward this to the pupil's registered school/academy for them to complete a SPA form.

Please consult the *Single Point of Access Panels for Referrals to the Hospital Education & Reintegration Service, Guidance and Procedures* document for more information about making referrals.

A pupil 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 LA has become responsible for the child's education.

6. The LA should make sure that it has a policy on additional health needs and that it is publicised:

What this means in practice in Bath & North East Somerset

Rosemary Collard is the named officer responsible for the education of children with additional health needs.

Rosemary_Collard@BATHNES.GOV.UK

The LA will publish this policy statement (which incorporates the Department for Education statutory guidance) on their arrangements to comply with their legal duty towards children with additional health needs on its website and will on request provide a copy to parents/carers unable to access the site. This policy links with related services in the areas as follows:

- Alternative Learning Team
- Statutory Special Education Needs Service
- Child and Adolescent Mental Health Service (CAMHS)
- Children Missing Education Service
- Educational Psychology
- School Nurses and
- Disabled Children's team

Information on these services/teams can be accessed on the Bath & North East Somerset Council website.

The LA Responsible Officer will review this policy and procedures on at least an annual basis or as necessary e.g. where there is a change in legislation or guidance