



## Report to Policy Committee

**Author/Lead Officer of Report:** Tim Armstrong,  
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**Report of:** *Andrew Jones, Director of Children’s Services*

**Report to:** *Education, Children & Families*

**Date of Decision:** *27<sup>th</sup> September 2022*

**Subject:** *Ensuring a good education for children who cannot attend school because of health needs – policy statement*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>				

**Purpose of Report:**

*To present the policy statement to ensure a good education for children who cannot attend school because of health needs.*

**Recommendations:**

*In line with statutory Department for Education guidance titled Ensuring a good education for children who cannot attend school because of health needs, there is a requirement for all local authorities to have a written, publicly accessible policy statement on arrangements to comply with legal duties towards children with additional health needs. The committee are asked to approve the proposed policy statement.*

**Background Papers:**

*(Insert details of any background papers used in the compilation of the report.)*  
Education for children who cannot attend school because of health needs policy statement – September 2022

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Kayleigh Inman
		Legal: Nadine Wynter
		Equalities & Consultation: Bashir Khan
		Climate: Jessica Rick
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	<i>Andrew Jones</i>
3	<b>Committee Chair consulted:</b>	<i>Dawn Dale, Mick Rooney</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> <i>Tim Armstrong</i>	<b>Job Title:</b> <i>Head of Access &amp; Inclusion</i>
	<b>Date:</b> <i>13<sup>th</sup> September 2022</i>	

## **1. PROPOSAL**

- 1.1 Department for education statutory guidance requires all local authorities to have a written, publicly accessible policy statement on their arrangements to comply with their legal duty towards children with additional health needs. Currently there is no up to date published policy in place. This proposal presents the policy and seeks approval for it to be published.

The local authority duty is to 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 would not receive suitable education.

Local authorities should:

Provide such education as soon as it is clear that the child will be away from school for 15 days or more, whether consecutive or cumulative. They should liaise with appropriate medical professionals to ensure minimal delay in arranging appropriate provision for the child.

Ensure that 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 successfully back into school as soon as possible.

Address the needs of individual children in arranging provision. 'Hard and fast' rules are inappropriate: they may limit the offer of education to children with a given condition and prevent their access to the right level of educational support which they are well enough to receive. Strict rules that limit the offer of education a child receives may also breach statutory requirements.

- 1.2 Whilst the local authority has a duty to arrange provision, schools maintain a duty to ensure provision is in place and resourced and should put in place reasonable adjustments to address medical needs.

The policy identifies support that is in place to identify children and young people and support schools to deliver appropriate education support. The local authority commissions Becton Hospital School via Chapel House to deliver provision where required.

## **2. HOW DOES THIS DECISION CONTRIBUTE ?**

- 2.1 The policy helps to address the priority to reduce exclusion in all forms by seeking to ensure that appropriate education provision is arranged and accessible to those who may be unable to access education due to health needs.

### **3. HAS THERE BEEN ANY CONSULTATION?**

3.1 In developing the policy discussion has taken place with colleagues in the NHS and across schools, including Becton Hospital School.

There is no requirement for formal consultation on this policy statement.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### **4.1 Equality Implications**

4.1.1 Decisions need to take into account the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

An Equality Impact Assessment has been carried out and highlights that the proposed policy fills a current gap of no up to date published policy being in place. The policy helps to address the priority to reduce exclusion in all forms by seeking to ensure that appropriate education provision is arranged and accessible to those who may be unable to access education due to health needs.

#### **4.2 Financial and Commercial Implications**

4.2.1 There are no financial implications associated with approval of the Policy Statement.

#### **4.3 Legal Implications**

4.3.1 As stated in the body of the report, under section 19 of the Education Act 1996, councils have a duty to make arrangements for the provision of suitable education, at school or otherwise, for children who, because of illness or other reasons, may not receive suitable education unless such arrangements are made for them. Suitable education means efficient education suitable to a child's age, ability and aptitude and to any special educational needs they may have. The education provided by the Council must be full-time unless the Council determines that full-time education would not be in the child's best interests for reasons of the

child's physical or mental health. The proposed policy statement is therefore in line with the Council's duties and the statutory guidance.

4.4 Climate Implications

4.4.1 The policy does not have any obvious significant impacts. Where services are commissioned more detailed Climate Impact Assessments is undertaken in line with procurement expectations.

4.4 Other Implications

4.4.1 *None*

**5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 The Local Authority is required to have a policy statement that is compliant with statutory guidance. The policy articulates practice in place for the local authority to meet its statutory duties.

**6. REASONS FOR RECOMMENDATIONS**

6.1 It is a requirement for the local authority to have a policy statement in place. By approving the statement, the local authority will meet this statutory duty.

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