
Policy

**Supporting children who are
unable to attend school
because of medical / health
needs**



Council of the
ISLES OF SCILLY

December 2022

REVISIONS TO SOURCE DOCUMENT

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INTRODUCTION

This policy document outlines the support available within the Isles of Scilly that can be accessed by pupils who have health and / or medical needs.

Under section 19 of the Education Act 1996, Councils are responsible for:

arranging suitable education for pupils who because of illness or other reasons – would not receive suitable education without such arrangements being made.

This policy provides information for schools, parents and pupils for within our Local Authority, specifically in relation to children who cannot attend school due to **medical / health reasons** and where the education is severely disrupted as a result.

Pupils not attending school because of **other reasons** are covered by the DfE statutory guidance relevant, or most relevant, to the nature and circumstances of the pupil's absence

This policy provides information for schools, parents and pupils on the Isles of Scilly.

Background

Pupils who have health / medical needs may be at risk of failing to make appropriate progress from their individual starting points. This is particularly the case for those pupils whose health / medical needs prevent them from attending school for an extended period of time, or for those who are restricted by their health / medical needs to attending school on a part-time or sporadic basis.

Objectives

The Council of the Isles of Scilly is committed to ensuring that all children and young people on the Isles of Scilly receive a suitable education in order to maximise the learning potential of each individual.

Our aim is to ensure that all children and young people are given the opportunity to access an inclusive education that meets their specific needs.

Scope

This policy document outlines the support available within the Isles of Scilly, that can be accessed by pupils with health / medical needs and supersedes any previous policies.

Legislation

Under section 19 of the Education Act 1996, councils are responsible for; arranging suitable education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such arrangements being made. The

Children, Schools and Families Act 2010 clarified that a suitable education means a full-time education. The only exception to this is where the physical or mental health of the child means that full-time education would not be in their best interests.

The Government's statutory guidance 'Ensuring a good education for children who cannot attend school because of health needs'¹ outlines councils' responsibilities towards children with medical health needs. It states that councils should:

- i) have a written, publicly accessible policy statement which explains how it will meet its legal duty towards children with additional health needs. This policy should make links with related services in the area, such as the services for Special Educational Needs and Children and Adolescent Mental Health Service (CAMHS);
- ii) have a named officer responsible for the education of children with additional health needs, and parents should know who that person is; and
- iii) not "have processes or policies in place which prevent a child from getting the right type of provision and a good education" or "inflexible policies which result in children going without suitable full-time education".

Councils should provide education as soon as it is clear the child will be away from school for 15 days or more, continuously or cumulatively, and where suitable education is not being provided by the school.

Once a council has identified a child needs alternative education, it must arrange this as quickly as possible. If the medical evidence is not quickly available, the guidance states "LAs should consider liaising with other medical professionals, such as the child's GP, and consider looking at other evidence to ensure minimal delay in arranging appropriate provision for the child".

The statutory guidance 'Alternative Provision' says the duty to provide a suitable education applies "to all children of compulsory school age resident in the local authority area, whether or not they are on the roll of a school, and whatever type of school they attend".

Schools are expected to make reasonable adjustments to support pupils with medical or health needs so that they are able to access education. Where necessary, CIOS will seek external support, guidance and advice on behalf of schools, settings, parents, carers and pupils to ensure that reasonable adjustments are able to be put in place.

Children and Family Services within the Council of the Isles of Scilly are responsible for this policy. It is a statutory requirement that Local Authorities have a named person responsible for the education of children with medical / health needs.

Evaluation and Review

On the Isles of Scilly, the Head of Children and Families Service will ensure that this policy will be reviewed bi-annually at the start of an academic year, or when changes are required due to adjustment to the law.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941900/health_needs_guidance_accessible.pdf

1. Purpose

Pupils who have health / medical needs may be at risk of failing to make appropriate progress from their individual starting points. This is particularly the case for those pupils whose health / medical needs prevent them from attending school for an extended period of time, or for those who are restricted by their health / medical needs to attending school on a part-time or sporadic basis. The Council of the Isles of Scilly is committed to ensuring that all of our children and young people can access a suitable education in order to maximise their learning opportunities.

Education should be inclusive and meet specific needs. Other providers may be commissioned by the Council of the Isles of Scilly to provide education for pupils unable to attend school due to health (including mental health) or medical needs. However, it is expected that Five Islands Academy will meet an individual's needs where possible due to the nature of the provision of remote providers.

This policy document outlines the alternative education support available within the Isles of Scilly that can be accessed by pupils with health / medical needs who cannot attend school.

2. Responsibilities of the Council of the Isles of Scilly

The Council of the Isles of Scilly is responsible for arranging full-time education for children of statutory school age (5 to 16 years) who, because of illness, would not receive suitable education without such provision. This duty applies to all pupils who live on the Isles of Scilly, regardless of the type or location of the school or setting which they would normally attend and whether or not they are on the roll of a school or setting. In the case of children who are being electively home educated, the duty placed on the Local Authority is to ensure, through an annual visit, that children are receiving a "suitable" education.

These duties are set out in <https://www.legislation.gov.uk/ukpga/1996/56/section/19>

The Equality Act 2010 is also an important part of the legal framework around children and young people with significant medical needs.

There will be a wide range of circumstances where a child has a health or medical need but will receive suitable education that meets their needs without the additional intervention of the Council of the Isles of Scilly - for example: -

- where the pupil can still attend school with additional support provided by the school so that he/she may access suitable education provision
- where the school has made arrangements to deliver suitable education outside of school for the pupil; or
- where arrangements have been made by the school for the pupil to be educated in a hospital by an on-site hospital school.

However, the Council of the Isles of Scilly has a duty to maintain an overview of all arrangements for children where they have provision which differs from that received by

their peers in mainstream education, through the Children Missing out on Education process (see Section 3.1).

2.1 Local Authority Named Officer

It is a statutory requirement that local authorities have a named person responsible for the education of children with additional health needs.

On the Isles of Scilly, the named person is the Head of Children and Families Service. Parents are advised to contact Children and Family Services if educational needs are not being met.

3. School Responsibilities

Schools are required by law to make arrangements to support any pupil with a health / medical condition. This duty is detailed in Section 100 of the Children and Families Act 2014 and in the Department for Education's Statutory Guidance Supporting pupils at school with medical conditions.

Schools should also be mindful of the non-statutory guidance Mental Health and Behaviour in Schools November (2018).²

Pupils at school with health / medical conditions should be properly supported with an appropriate Health Care Plan so that they have full access to education, including school trips and physical education.

The Council of the Isles of Scilly does not consider in itself schoolwork being sent home to be a suitable education. A suitable education should consider the age, aptitude and ability and the medical / health needs of the pupil. It should include teaching by a teacher, whether through online, group or one-to-one provision.

Whilst independent schools are under no legal obligation to follow the statutory guidance, the non-statutory advice within this document is intended to assist and guide independent schools in promoting the wellbeing and academic attainment of children with health / medical conditions.

Schools and their appropriate authority, normally a governing board, should ensure that they have a policy for supporting pupils with medical conditions, which is reviewed regularly and is readily accessible to parents/carers and school staff.

The policy should include:

- a named person who has overall responsibility for policy implementation
- the procedures to be followed whenever a school is notified that a pupil has a medical condition
- the purpose, delivery and frequency of review of an individual Health Care Plan, and a named person who holds the responsibility for the plan

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1069687/Mental_health_and_behaviour_in_schools.pdf

- the roles and responsibilities of all those involved in the arrangements they make to support pupils at school with medical conditions
- how staff will be supported in carrying out their roles regarding pupils with medical conditions
- arrangements for whole school awareness training so that all staff are aware of the school's policy for supporting pupils with medical conditions and their role in implementing that policy
- arrangements for condition specific training to enable staff to support pupils
- arrangements for children who are competent in managing their own health needs and medicines
- the procedures to be followed for managing medicines
- what should happen in an emergency situation
- arrangements that actively support pupils to participate in school trips/visits and sporting activities
- how complaints may be made and will be handled concerning the support provided to pupils with medical conditions

Schools should also have robust systems in place to ensure that any alternative education provision arrangements which are put in place meet the needs of the pupil. Further, schools should ensure that such arrangements are kept under regular, frequent review and adjusted when necessary.

3.1 Reduced timetable arrangements – to support pupils medical and / or health needs

Reasonable adjustments should be made to accommodate pupils who would otherwise find it difficult to attend school due to illness or a medical condition. Schools should have regard to the guidance: **Ensuring a good education for children who cannot attend school because of health needs (DfE)** ³

Where full-time education would not be in the best interests of a pupil due to his/her health / medical needs, part-time education can be provided. This decision will be made with reference to advice from relevant medical professionals and the agreement of parents. When considering a reduced timetable in collaboration with parents/carers, the pupil (as appropriate) and relevant professionals, schools should consult with the Local Authority named person.

³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941900/health_needs_guidance_accessible.pdf

Schools and settings are required to report to the Council of the Isles of Scilly any arrangement for pupils who are not accessing a full timetable in school on a weekly basis. This includes pupils that access fulltime hours in a combination provided by a school and any alternative provider(s). This allows the Council of the Isles of Scilly to monitor the suitability of provision for all pupils.

4. Alternative Provision

The Isles of Scilly Children and Family Service will, in consultation with the child, parents and school discuss and agree what alternative provision may be appropriate. Children and Family Service will, working in consultation with providers, parents/carers and pupils, identify and commission suitable alternative provision to provide support for children who are unable to attend school in excess of 15 days, continuously or cumulatively, due to medical / health needs.

Consideration will be given to suitable and approved providers with proven and successful links to other Local Authorities, and where the most recent Ofsted Inspection outcome was good or better.

4.1 Referrals to Alternative Providers

Schools and settings, working with the Isles of Scilly Children and Family Service, should establish if an alternative provider is required for all, or part of the education provision of a pupil, prior to any agreement to make a referral from the Isles of Scilly.

Schools may ask for medical evidence to be provided by the Consultant involved in the care of the pupil, or other medical practitioner. However, due account must be taken of any guidance from the Department for Education in this respect.⁴ Schools should also take into account other evidence in order to prevent a delay in arranging suitable educational provision. When making referrals to an alternative provider, schools must submit a copy of the Health Care Plan with the referral. Schools retain the responsibility for pupils with EHC plans but must liaise with the appropriate Caseworker in the Statutory SEN Service.

Once agreement has been reached to make a referral, it can be made to an alternative provider for pupils unable to attend school due to medical/health reasons **where it is clear that the pupil will be away from school for 15 days or more**. In these circumstances' parents/carers must provide medical evidence to the school which confirms why the pupil is unable to attend school and which states how long this is likely to be the case. This evidence will usually be via the Medical Consultant involved with the pupil's care.

However, in order to avoid delays, evidence from a GP may be accepted if the young person is under a consultant but evidence is delayed. For example, a GP has referred a pupil to CAMHS, but he/she has not yet been seen. The consultant evidence would still need to be

⁴ DfE guidance (June 2018) states – “Schools should only normally ask parents to provide medical evidence to support illness if they suspect the illness is not genuine and the parent is failing in their(sic) legal duty to ensure their child's attendance at school. Schools are advised not to request medical evidence unnecessarily. Medical evidence can take the form of prescription, medication, appointment cards, rather than doctors' notes.”

submitted at a later date. Failure to provide the appropriate evidence could delay the referral process and the consideration of support.

4.2 Ensuring pupils on the Isles of Scilly with medical and / or health needs have a suitable education

Where support is agreed by any alternative providers, they must oversee the provision for pupils in alternative suitable venues, or, where appropriate, in the pupil's home.

Before it is agreed that teaching can take place in the home, it is necessary to carry out appropriate risk assessments. Where a pupil is taught at home it is necessary for there to be a named agreed adult present for the pupil and any other children in the house at the time of the session.

Close liaison between the alternative provider and the pupil's school is essential and pupils should be kept informed about school activities and events. The pupil remains on his/her usual / base school roll and the school is expected to arrange review meetings (at least every 6 weeks).

Up to date medical evidence will be required for the meetings and should be updated at least termly. It is important to link with other agencies in order to support the pupil's educational opportunities.

Where support is agreed, there is an expectation that all parties will engage with, and contribute to, the agreed plan for learning and reintegration back into school when appropriate to meet a pupil's needs.

As a minimum the alternative provider will:-

- ensure that the education programme put in place for pupils is appropriate to their needs.

- liaise with the named person in school;

- liaise, where appropriate, with outside agencies;

- be sensitive to the needs of the child and family;

- provide a flexible teaching programme;

- provide regular reports on the pupil's progress and achievements to the pupil's family and school;

- provide an opportunity for the pupil to comment on their report;

- ensure appropriate course work and any other relevant material is returned to school;

- Contribute to Statutory SEN processes for pupils who have an EHC plan or are the subject of an EHC assessment.

- work with the mainstream school and the relevant Education Welfare Service, where appropriate, to ensure good attendance;
- attend review meetings;
- plan an appropriate reintegration programme at the earliest opportunity as soon as the pupil is ready to return to school.
- provide reports as requested by the Isles of Scilly Children's Services

4.3 Roles of schools in supporting pupils who are receiving provision from alternative providers.

When a pupil is dual registered with an alternative provider for his/her education provision, schools and settings remain responsible for the pupil's education provision.

Schools are expected to:

- host and chair regular review meetings (normally every 6 weeks);
- produce action plans and distribute notes of these meetings;
- provide materials for an appropriate programme of work and work plans;
- ensure that the Statutory SEN Service are informed when any child with an EHC plan is unable to attend to school due to medical / health needs and to liaise with them to ensure education provision is appropriate for the pupil's special educational needs;
- maintain an education plan which records progress made towards a return to school. If the pupil has an EHC plan, then the education plan should feed into this.
- ensure appropriate arrangements, including entry and invigilation are made for all examinations.
- provide the pupil's academic attainment levels including any relevant examination requirements;
- make arrangements for any key assessment points
- assess coursework
- facilitate career interviews;
- arrange work experience placements;
- provide a named teacher with whom each party can liaise, this may be the Special Educational Needs Coordinator [SENCO];
- provide a suitable working area within the school, when required;
- be active in the monitoring of progress and the reintegration into school, using key staff to facilitate reintegration school;
- ensure that pupils who are unable to attend school, are kept informed about school social events and are able to participate, if possible, for example, in homework clubs, study support and other activities;
- encourage and facilitate liaison with peers, for example, through visits and videos.

4.4 Health Practitioners' / Consultants' role is to:

Provide health / medical advice as appropriate and offer medical treatment as / when required.

4.5 Other involved agencies' roles are to:

- work, with others, for the benefit of the pupil;
- attend review meetings where specific agency support is requested;
- provide written reports where necessary;
- give appropriate advice and support. Examples of other involved agencies could include Children's Services, Early Help professionals, SEN Support Services, Educational Psychologists, etc

5. When may alternative providers become involved?

Alternative provision can be commissioned by the Local Authority to provide education for pupils who are unable to attend school due to their medical or health needs and where the level of need cannot be met by schools alone.

Referrals may be appropriate for children with the following medical conditions. This list is not exhaustive and there may be other circumstances where referring is appropriate.

5.1. Hospital in-patients

CHES⁵ provides support for pupils who are in-patients at Cornwall hospitals, as well as offering transitional support for children and young people being discharged from long stays in hospital, young people discharged from the Sowenna CAMHS inpatient unit (Bodmin) or those who have had repeated hospital admissions. In certain instances, particularly in the case of severe mental health needs, pupils may be placed in specialist residential hospitals inside or outside of Cornwall. Many of these facilities have access to an on-site education provision or school that can offer education as part of the package of care; additional education costs will be met by the Council of the Isles of Scilly.

The Council of the Isles of Scilly retains responsibility for the education of these pupils whilst they remain in hospital and upon their return to the Isles of Scilly following discharge. In advance of a proposed discharge, particularly in the instance that an alternative educational provision is being proposed, parents/carers and professionals working with a pupil who falls into this category should contact the Isles of Scilly Children's Services or Statutory SEN Service (for pupils with an EHC plan) to discuss future educational provision.

5.2 Children with life limiting and terminal illness

Alternative provision can continue to provide education for as long as it is in the best interests of the pupil to do so. If the pupil and parents / carers wish to withdraw from education their wishes will be respected if the decision is supported by medical advice. However, each case is considered individually with the aim that agreement about appropriateness of educational provision will be reached by all involved in the care of the pupil taking the pupil's views and wishes into consideration.

⁵ Community Hospital Education Service

5.3 Pupils with Myalgic Encephalopathy (ME)/Chronic Fatigue Syndrome (CFS)

For pupils diagnosed with Myalgic Encephalopathy (ME)/Chronic Fatigue Syndrome (CFS), the educational provision put in place will be guided by the medical advice provided as part of the initial referral, or sought following the referral. This may include, for example, periods of school attendance, periods of rest, and periods of 1:1 tuition at home.

5.4 Pupils with mental health needs

For pupils experiencing mental health difficulties there is an expectation that evidence is provided by the Child and Adolescent Mental Health Service (CAMHS) in relation to the nature of the child's needs. Where pupils are experiencing high levels of absence due to anxiety and are awaiting a CAMHS appointment, schools should seek advice from the Isles of Scilly Children's Services from the Strategic Lead for Social, Emotional and Mental Health, in respect of any proposed placement with an alternative provider is required to support the pupil's medical / health needs.

5.5 Pregnant Pupils

It is an expectation that pupils who are pregnant will continue to be educated at their usual school whilst it is in the best interests of the pupil. Each case will be considered on an individual basis.

However, where there are extenuating circumstances, supported by appropriate evidence, it is possible to consider alternative provision.

The pupil will remain on roll of their school. If the pupil has not reached statutory school leaving age, it is expected that she will reintegrate into school. Medical evidence needs to be provided to the school by the pupil's family to confirm when the baby is expected so that an appropriate referral can be made.

6. Returning / reintegration into school

Alternative providers will work with all other services that may be involved to reintegrate pupils back into school at the earliest opportunity, dependent upon an individual pupil's needs. A reintegration programme will be drafted and agreed, following discussion with the pupil, parent/carer, school, relevant health professional(s) and other involved agencies as appropriate. Alternative providers will also work the pupil's school to produce an updated Individual Health Care Plan to support transition for those who are still recovering.

In some cases, it may not be possible for the pupil initially to return to school on a full-time basis. Arrangements for reintegration (or any future education arrangements) will need to take into account any ongoing health problems or disabilities they may have. It may be appropriate for a child to return to school on a reduced timetable, for an agreed short-term period, prior to returning to full-time education.

7. Pupils who are not on a school roll

The Council of the Isles of Scilly retains a responsibility for supporting pupils who are not on roll at a school whose health / medical needs prevent them from accessing education. These may include children who are Electively Home Educated or children who are awaiting an education placement. This may include interim provision through an alternative provider, in which case medical evidence will be sought as described throughout Section 6 of this policy

In these instances, parents/carers or professionals working with a pupil who falls into this category should contact the Local Authority named person. The Statutory SEN Service has a legal duty to secure educational provision for pupils who have an EHC plan.

8. Home Educated children

Section 7 of the Education Act 1996 places a duty on parents to ensure that if their child is of compulsory school age that he/she receives a suitable education, either by regular attendance at school or otherwise. This can be fulfilled by parents who chose to home educate their child(ren).

The Council of the Isles of Scilly has a responsibility to make enquiries to home educators to seek assurance that education being provided for children who are home educated properly takes into account age, ability, aptitude and any special needs that they may have.

Education is considered efficient and suitable if it enables a child to achieve to his/her potential. It should prepare a child for adult life in their community but should not foreclose a child's options in later years. The Council of the Isles of Scilly has a responsibility to seek assurance that a suitable education is taking being provided for a child, rather than endorsing any particular method of education.

For some children who wish to return to mainstream education, this may include access to alternative provision if the child has medical / health needs which would mean they would not be able to attend school, as identified in Section 3 above.

9. Pupils who are not of compulsory school age

The Council of the Isles of Scilly will not normally provide support for pupils who are under or over compulsory school age. However, where pupils who would normally be in Year 12 are repeating Year 11 due to medical reasons or for those pupils with an EHC Plan in years 12 and 13, requests for support will be considered on an individual basis in conjunction with the Statutory SEN Service, as necessary.

For post-16 students attending mainstream provision, the Council of the Isles of Scilly would look to the host school, college or training provider to make any necessary and reasonable adjustments for students who are unwell over a prolonged period.