



Access to Education Guidance

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Introduction

Cumberland Council is responsible for arranging suitable full-time education for permanently excluded pupils, and for other children living in the county who - because of illness or other reasons – would not otherwise receive suitable, full-time education.

This guidance describes how the local authority will achieve its commitment and meet its duties under relevant national legislation and guidance.

In line with national guidance, this policy details the following:

- That children and their families should expect a joined-up plan of support
- That all reasonable measures should be put in place by the school prior to the local authority arranging provision for children who cannot attend school
- That decision making on provision and support should be formalised, and decisions made through the local authority's Access to Education Panel in line with the statutory duties to arrange provision
- That the local authority will commission appropriate provision to support children who cannot attend school because of a health need and those that can't attend for other reasons
- That the child's school continues to be required to fund provision put in place in line with the SEN notional budget

Legal context

Section 19 of the Education Act 1996

Requires local authorities to make arrangements to provide "suitable education at school, or otherwise than at school, for those 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". Suitable education is defined as "efficient education suitable to the age, ability, aptitude and to any special educational needs", the child (or young person) may have.

The education must be full time unless the local authority determines that it would not be in the best interests of the child or young person, due to their mental or physical health.

The Department for Education Alternative Provision Statutory Guidance 2013

'Local authorities 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.'

This 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. Full-time education for excluded pupils must begin no later than the sixth day of the exclusion.

Good alternative provision is that which appropriately meets the needs of pupils which require its use and enables them to achieve good educational attainment on a par with their mainstream peers.

Arranging education for children who cannot attend school because of health needs December 2023

“... where a child cannot attend school because of a physical or mental health need, and cannot access suitable full-time education, the local authority is responsible for arranging suitable alternative provision.”

Section 7 of the 1996 Education Act

Parents/carers must ensure that children of compulsory school age receive efficient full-time education suitable to a) their age, ability and aptitude, and b) to any special educational needs they may have, either by regular attendance at school or otherwise.

The Equality Act 2010

Some complex and/or long-term health issues may be considered disabilities under equality legislation. This legislation provides that local authorities must not discriminate against disabled children and are under a duty to eliminate discrimination, foster equality of opportunity for disabled children and foster good relations between disabled and non-disabled children.

Joined up plans of support

Schools must provide support for their pupils with medical needs under their statutory duties as set out in [Supporting pupils with medical conditions at school](#). Shorter term illnesses or chronic conditions are best met by school support and resources. Such conditions that might meet this definition include short term post-operative support and periods of reduced immunity.

All schools must follow the graduated approach to identifying and meeting a range of additional needs. Information relating to support, provided in school, is made available on the school's SEN Information report. Further information provided by the local authority is available to parents/carers/schools/settings via the [Family Information Directory](#).

Cumberland Council will work with schools where children have not attended or unable to attend to discuss how best to support them via the Access and Inclusion team.

Guidance from the Department for Education sets out responsibilities for school attendance on the Local Authority, schools, parents and governing bodies.

[Summary table of responsibilities for school attendance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Reasonable Measures

In line with national guidance it is the local authority's expectation is that the following principles are applied and robust evidence gathered of interventions attempted in support of ensuring good attendance at school prior to putting in place education. These principles are aimed at ensuring that all attempts are made to enable all children to attend a mainstream school.

Schools should:

- Listen to the voice of the child to understand why they are absent, and what they need to return to school
- Meet with parents in person, and where appropriate the child
- Ensure that communication between home and school is open, honest, and timely
- Maintain the same ambition for all students' attendance and work with pupils and parents to maximise attendance
- Make reasonable adjustments to help a child to continue to attend school, or continue to engage in education
- Consult at the earliest opportunity with health, social care, education professionals, children, and parents to understand and support the child's needs
- Ensure join up with pastoral support and where required, put in place an additional support plan outlining how the school will meet needs (eg: IEP, SEN Support Plan, Attendance Action Plan etc.)
- Consider additional support from wider services and external partners, making timely referrals and working with other professionals to create good plans that enable a child to engage in education
- Provision to meet the needs identified in the associated support plan (eg: access to online learning, alternative provision etc.)
- Consider a part-time timetable as a short-term intervention
- Regularly monitor data including at board and governing body meetings and with local authorities.
- Develop policies which clearly state who parents should contact if they have a concern

Parents should:

- Make every effort to ensure child attends school in line with statutory duties
- Work with their child's school, at the earliest stage, when you become aware of routine/planned medical treatment
- Work with the school, at the earliest stage, to help them understand their child's barriers to attendance
- Work with the Local Authority, at the earliest stage, to help them understand their child's barriers to attendance (eg: Social Worker, attendance officer, EHC Coordinator etc.)
- Proactively engage with the support offered by the school and external agencies
- Seek support through universally available services (eg: GP etc.)
- When appropriate, encourage their child to reintegrate into full-time school attendance

Access to Education Panel

If the measures taken by the school and parents, as outlined above, are unsuccessful in facilitating access to education, the school/setting may refer a child/young person to Cumberland Council's Access to Education Panel.

The panel will review the evidence provided and determine whether existing educational provision offered by the school is **available** and **accessible** to the child/young person.

If the educational is not **available** or **accessible** the panel will make recommendations as to any additional provision that can be put in place by the school or if Access to Education arrangements through the local authority are appropriate.

All recommendations will be subject to ratification by the appropriate local authority budget holder at the weekly Senior Provision Panel.

Panel Members:

- Primary School Representative x2
- Secondary School Representative
- Senior Manager - SEND and Inclusion
- Health Representative
- Service Manager - Access and Inclusion
- Service Manager – SEND Education Team
- Specialist Teaching Team Lead
- Educational Psychologist Representative
- Referring School Representative (if require)

The child/young person will remain on the school roll and the school/setting will maintain overall responsibility for oversight and safeguarding.

The panel will make one of three recommendations:

- Not enough evidence to make a decision
- The school have not yet provided sufficient provision to support the child/young person
- Local Authority supported provision to be considered

The Cumberland Council Offer

If the panel decide that “Local Authority supported provision to be considered”; they will then make recommendations as to the package of support required.

Support will vary on a case-by-case basis but may include:

- Hospital Home Tuition
- Online learning
- Special School Outreach – Early Intervention Program
- Alternative Provision
- AV1 Robots
- Specialist Teachers

Further information on potential provision is available via the [Cumberland Local Offer](#).

Referrer Information		
Name		Date
School		
Email		
Telephone		
Child / Young Person Information		
Name		
D.O.B		
Telephone		
Home address		
Professionals Involved		
<i>Please ensure that the pupil been discussed with a relevant local authority officer prior to referral and indicate below</i>		
Role	Name	
Teacher		
SENCO		
Social Worker		
EHCP Co-ordinator		
Access and Inclusion Officer		
Early Help Officer		
Youth Justice Worker		
Evidence of Interventions, Ordinarily Available Provision and reasonable adjustments		

Panel Decision Making Checklist

Listened to the voice of the child to understand why they are absent, and what they need to return to school	
Met with parents in person, and where appropriate the child	
Ensured that communication between home and school is open, honest, and timely.	
Maintained high ambitions for all students' attendance and work with pupils and parents to maximise attendance.	
Make reasonable adjustments to help a child to continue to attend school, or continue to engage in education	
Consulted at the earliest opportunity with health, social care, education professionals, children, and parents to understand and support the child's needs	
Ensured join up with pastoral support and where required, put in place an additional support plan outlining how the school will meet needs (eg: IEP, SEN Support Plan, Attendance Action Plan etc.)	
Considered additional support from wider services and external partners, making timely referrals and working with other professionals to create good plans that enable a child to engage in education	
Provision to meet the needs identified in the associated support plan (eg: access to online learning, alternative provision etc.)	
Considered a part-time timetable as a short-term intervention	
Consultation with their linked Access and Inclusion officer	
Referrals into NHS Diagnostic Pathways	
Referrals into Child Adolescent Mental Health Services (CAMHS)	
Usage of Emotionally Based School Avoidance guidance for supportive interventions and strategies	
Opened an Early Help referral	
Made a Specialist Support Request or EHC Needs Assessment Request	
For children/young people with an EHCP; has an early review been called?	
Are parents engaging with offered support?	Yes/No
Is the current educational provision available for the child/young person?	Yes/No
Is the current educational provision accessible for the child/young person?	Yes/No

ONLY FOR USE BY ACCESS TO EDUCATION PANEL

Panel Date	
Is existing provision accessible?	Yes / No
Is existing provision available?	Yes / No
Panel Recommendation	
ONLY FOR USE BY SENIOR PROVISION PANEL	
Panel Date	
Panel Recommendation	

If the referral meets the majority of aspects above, then an Access to Education package may be suitable.

Information on support available is accessible via the [Family Information Professionals Hub.](#)