



Section 19 Access to Education – Frequently Asked Questions for Schools

1. When should I consider a Section 19 referral?

A referral should only be considered when a child of compulsory school age is unable to access suitable education because of illness, exclusion or other exceptional circumstances, and would not receive suitable education without Local Authority intervention.

Schools must demonstrate that they have followed a graduated approach and exhausted appropriate support and intervention strategies before requesting panel consideration.

2. Do I need to speak to my Locality Attendance Officer (LAO) before making a referral?

Yes. All schools must discuss the case with their allocated Locality Attendance Officer before submitting a referral. Evidence of this discussion must be included with the referral form.

The purpose of the discussion is to:

- Consider whether a S19 referral may be appropriate;
- Review the evidence available;
- Identify any additional information required;
- Ensure schools have considered the graduated response and relevant interventions.

Agreement from an LAO that a referral should be submitted does not constitute approval for Section 19 provision and does not guarantee that the referral will be accepted by the Access to Education Panel.

All referrals are considered independently by the Panel, which will review the evidence presented to determine their decision. A recommendation to explore a referral should therefore be viewed as agreement that the case merits Panel consideration, rather than an indication of the likely outcome.

3. What documents must be included with every referral?

The following documents are mandatory:

- Attendance certificates for the duration the child has been at the setting and any relevant attendance comments
- Supporting medical evidence (where applicable)
- Individual Healthcare Plan (IHCP)

- One Page Profile (for pupils with SEND)
- Evidence of discussion with the LAO
- Current EHCP (if the pupil has one)

Referrals that do not contain the required documentation will not be considered by Panel.

4. What medical evidence is required?

Medical evidence should:

- Be current and relevant
- Be provided by an appropriate health professional
- Include a clear clinical opinion regarding the pupil's ability to attend school

Evidence should help explain:

- Why the pupil cannot attend school
- What barriers exist
- Any recommendations for support or adjustments

Where medical evidence forms a significant part of the referral, reports from appropriately qualified specialists are likely to carry greater weight than brief confirmation letters that do not address the child's ability to access education.

5. A pupil is refusing to attend school. Does this automatically mean they are eligible for Section 19?

No. Non-attendance alone does not automatically trigger Section 19 duties.

Schools must evidence:

- Assessment of barriers to attendance
- Graduated interventions
- Family engagement
- Multi-agency involvement
- Reasonable adjustments
- Consideration of SEND and EBSA approaches

Panel will consider the individual circumstances and evidence provided.

6. What is meant by a graduated approach?

A graduated approach means schools have systematically assessed, planned, implemented and reviewed support.

Examples include:

- Attendance support plans
- Pupil voice work
- Family meetings
- Reasonable adjustments
- SEND assessments
- Environmental adaptations
- Mental health support
- Early Help involvement
- Multi-agency working

Schools should be able to evidence both interventions and their impact.

7. What reasonable adjustments should be considered before referral?

Examples may include:

- Reduced transitions between lessons
- Quiet spaces
- Time-out passes
- Flexible start arrangements
- Early exit arrangements
- Seating adjustments
- Breakfast club access
- Pastoral support
- Sensory support strategies

Schools should demonstrate how adjustments were implemented and reviewed.

8. Does the pupil need an EHCP to access Section 19 support?

No. Pupils do not need an EHCP to be considered by the Access to Education Panel.

However, where a pupil has an EHCP, schools should include the latest version and demonstrate how the provision within the plan has been implemented and reviewed.

9. What should be included in the pupil's history?

Schools should provide a clear narrative explaining:

- The pupil's educational journey
- Attendance patterns over time
- Relevant primary-to-secondary transition information
- Emerging barriers

- Interventions attempted
- Professional involvement
- Current needs

Panel members need to understand the child's story, not just the current situation.

10. What attendance information should be included?

Schools should provide:

- Current attendance percentage
 - Date last attended
 - Attendance certificates covering previous years, where requested, and relevant attendance comments
 - Details of any part-time timetable
 - Details of any alternative provision already in place
 - Attendance panel meeting minutes, where applicable
 - Evidence of discussion with LAO
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11. When should a part-time timetable be used?

Part-time timetables should only be used as a short-term intervention and must be:

- Regularly reviewed
- Clearly documented
- Supported by an intervention plan
- Used in the pupil's best interests

A part-time timetable should not become a long-term arrangement.

12. What role do parents play in the referral process?

Parents should be involved throughout the graduated approach process.

Schools should:

- Seek parental views
- Share plans and reviews
- Obtain consent where required
- Ensure families understand why a referral is being made

The referral form includes a parental consent section.

13. What happens after a referral is submitted?

The referral is triaged to ensure all required documentation has been received.

The Access to Education Panel will then:

- Review the evidence
- Determine whether Section 19 duties apply
- Consider appropriate provision
- Agree next steps

Schools will be informed of the outcome following panel consideration.

14. What are the most common reasons referrals are delayed or not considered?

Common issues include:

- Missing attendance data
 - Lack of medical evidence
 - No evidence of discussion with the LAO
 - Insufficient evidence of a graduated response
 - Missing EHCP documentation
 - Limited information about interventions already undertaken
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15. Is there a minimum period of absence before a Section 19 referral should be considered?

Schools should carefully consider whether there is sufficient evidence to demonstrate that a pupil is unable to access suitable education before requesting Access to Education Panel consideration.

As a general guide, referrals should normally demonstrate that the pupil has been absent from education for 15 school days or more within the same academic year for the same or a linked reason, or that there is clear professional evidence that the child will be unable to access suitable education for that period.

Referrals made after only a very short period of absence may not provide sufficient evidence for the Panel to determine whether the Section 19 threshold has been met.

Schools should ensure:

- Attendance concerns have been fully explored;
- Appropriate support and interventions have been implemented;
- Relevant professionals have been consulted;
- The rationale for referral is clearly evidenced.

Each case will be considered on its individual merits.

16. Can a school pursue attendance enforcement and request Section 19 provision at the same time?

Schools should carefully consider the basis of any Section 19 referral where attendance enforcement action has been, or is being, pursued.

Section 19 provision is intended for situations where a child is unable to access suitable education because of illness, exclusion or other exceptional circumstances.

Where a school has:

- Requested a Notice to Improve;
- Issued penalty notices;
- Initiated legal proceedings;
- Recorded absence as unauthorised;

the Panel will expect a clear explanation of how the current circumstances relate to the referral.

If a school's position has changed and it is now seeking consideration under Section 19, the referral should explain:

- What new information has become available;
- Why the child's absence is now being viewed differently;
- Any professional evidence supporting the change in position;
- The status of any attendance enforcement action.

The Access to Education Panel may seek further information where there appears to be inconsistency between attendance enforcement activity and the rationale for a Section 19 referral.

17. What does the "other" category under Section 19 mean?

Section 19 applies where a child cannot access suitable education because of:

- Illness;
- Exclusion; or
- Other exceptional circumstances.

The "other" category is intended to cover situations where it is not reasonably possible or practical for a child to access and benefit from suitable education at their current school, and where the Local Authority determines that suitable education cannot reasonably be provided by the school.

The threshold for the "other" category is high. Panel will consider:

- Why the child cannot currently access education at their school;
- What support and reasonable adjustments have been implemented;
- What multi-agency involvement has taken place;
- Whether suitable education can still be delivered by the school;
- Whether the circumstances are temporary, exceptional and evidenced.

The Access to Education Panel will only recommend provision under the "other" category where it is satisfied that suitable education cannot presently be provided within the child's current school environment.

18. Can safeguarding concerns result in consideration under the "other" category?

In some circumstances, yes.

One example may be a safeguarding separation situation, where a child must be removed from their usual school environment or peer group because of serious safeguarding concerns.

This may arise where there are risks associated with:

- Abuse or exploitation;
- Serious violence;
- Significant harm;
- Criminal or contextual safeguarding concerns;
- Other situations where attendance at the current school presents an unacceptable safeguarding risk.

In such circumstances, the Access to Education Panel will consider whether it remains possible for the school to provide suitable education safely and appropriately.

A safeguarding separation should not automatically be regarded as a Section 19 matter. Each case will be considered individually and supported by evidence from relevant agencies.

19. Does challenging behaviour automatically meet the "other" category criteria?

No.

Challenging behaviour alone does not automatically result in Section 19 provision.

Where a school believes a pupil's behaviour presents a safeguarding risk that prevents suitable education being delivered within the school environment, the Panel will expect clear evidence explaining:

- The specific behaviours of concern;
- Why those behaviours are considered a safeguarding risk;
- What safeguarding thresholds have been met;
- What interventions and support have already been implemented;

- Why suitable education cannot currently be delivered within the school.

The Panel will consider whether the concerns are primarily:

- Safeguarding;
 - SEND-related;
 - Attendance-related;
 - Behavioural;
 - Disciplinary; or
 - Placement-related.
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20. What evidence may be required when a referral is made under the "other" category?

The Panel may request evidence including:

- School safeguarding chronology;
- Risk assessments;
- Records of incidents and interventions;
- Attendance information;
- Multi-agency meeting notes;
- Early Help documentation;
- Child in Need, Child Protection or other statutory plans;
- Professional reports from involved agencies.

Schools should clearly demonstrate why suitable education cannot currently be provided within the existing school setting.

21. Is multi-agency involvement expected for referrals under the "other" category?

Yes.

Referrals under the "other" category will usually require evidence of multi-agency involvement and planning.

This may include:

- School safeguarding leads;
- Local Authority officers;
- Social Care;
- SENCOs;
- Youth Justice Services;
- Police;
- Health professionals;
- Contextual safeguarding services;
- Other relevant practitioners.

Where appropriate, a Team Around the Family (TAF), Early Help or other multi-agency meeting should be used to help understand risk, identify support and consider available options.

22. If education is arranged under the "other" category, does the school still retain responsibility?

Yes.

Where alternative educational arrangements are agreed under Section 19, the home school remains responsible for:

- Keeping the child on roll;
- Maintaining safeguarding oversight;
- Working with the Local Authority and any alternative provider;
- Monitoring attendance information;
- Maintaining accurate attendance records in accordance with statutory requirements.

Section 19 provision does not remove a school's ongoing responsibilities towards the child.

23. What is the role of parents when a child is unable to attend school?

Parents have a legal duty under Section 7 of the Education Act 1996 to ensure that their child receives a suitable full-time education appropriate to their age, ability, aptitude and any special educational needs, either through regular attendance at school or otherwise.

Access to education is a shared responsibility between parents, schools, professionals and the Local Authority.

Where attendance difficulties arise, schools should work collaboratively with parents to:

- Understand the barriers to attendance;
- Implement appropriate support and interventions;
- Consider reasonable adjustments where appropriate;
- Engage relevant services and professionals;
- Explore all available options to support the child's access to education.

A Section 19 referral does not remove parental responsibilities, and the Access to Education Panel will consider the actions taken by all parties when reviewing the evidence presented.

24. Does a referral guarantee provision?

No. A referral requests consideration by the Access to Education Panel.

The Panel must determine whether the Section 19 threshold has been met and what provision, if any, is appropriate.

25. Can schools refer directly to a specific Section 19 provision?

No. Referrals are made to the Access to Education Panel rather than directly to a particular provision.

The Panel considers the evidence presented and determines:

- Whether Section 19 duties apply
- Whether additional support is required
- What type of provision, if any, may be appropriate

A referral does not guarantee access to a specific provision.

26. Can a diagnosis of ASC or ADHD alone support a Section 19 referral?

No. A diagnosis of ASC, ADHD or another neurodevelopmental condition does not automatically indicate that Section 19 duties apply.

Referrals should demonstrate:

- Why the child is currently unable to access suitable education
- The support and reasonable adjustments that have been implemented
- The graduated response undertaken by the school
- The involvement of relevant professionals and services

The Panel will consider the individual circumstances and evidence presented.

27. Can Section 19 provision be used as part of an EHCP consultation or placement process?

Section 19 provision is not intended to replace the statutory processes for identifying, assessing or naming long-term educational provision through an EHCP.

Where a child is undergoing an EHCP assessment, annual review, or placement consultation process, schools should continue to follow the relevant SEND procedures.

Where a child has an EHCP, schools should consult with the allocated SENDSTART Caseworker before submitting a Section 19 referral. This helps ensure that current SEND provision, recent reviews, placement considerations and any ongoing SEND processes have been fully considered and are reflected within the referral.

Schools should clearly demonstrate:

- How the provision specified within the EHCP has been implemented and reviewed;
- The reasonable adjustments and support already provided;
- Any recommendations arising from the Annual Reviews or professional reports;
- The involvement of the SENSTART Caseworker, where applicable.

Consultation with a SENDSTART Caseworker does not constitute approval for Section 19 provision and does not guarantee that a referral will be accepted by the Access to Education Panel.

The Access to Education Panel will consider whether the child currently meets the threshold for Section 19 support based on the evidence provided and the child's present ability to access suitable education.

28. Is Section 19 provision intended to be long term?

In most cases, Section 19 provision is intended to support a child while barriers to education are addressed and plans for reintegration, or longer-term educational arrangements are developed.

Provision should be regularly reviewed and should not automatically be viewed as a permanent placement.

29. What can schools do to improve the quality of referrals?

Strong referrals typically include:

- A clear chronology of events
- Robust attendance evidence
- Detailed pupil voice
- Evidence of family engagement
- Multi-agency involvement
- Thorough records of interventions and outcomes
- Current professional reports
- Clear explanation of why mainstream attendance is currently not possible

High-quality referrals help Panel members understand both the child's needs and the steps already taken to support successful school attendance.

[Supporting pupils at school with medical conditions \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

[Education for children with health needs who cannot attend school - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Promoting and supporting mental health and wellbeing in schools and colleges - GOV.UK (www.gov.uk)

<https://www.gov.uk/government/publications/mental-health-issues-affecting-a-pupils-attendance-guidance-for-schools>

Alternative provision - GOV.UK (www.gov.uk)

Working together to improve school attendance: July 2026