



## **SEND Empowerment** ADVICE & SUPPORT

# SECTION 19: YOUR CHILDS RIGHT TO AN EDUCATION

### **What Is Section 19?**

Section 19 of the Education Act 1996 requires the local authority to provide suitable education for any child who cannot attend school because of:

Illness

Exclusion

“Otherwise” (any other reason making attendance not reasonably possible)

This duty is absolute and does not depend on funding or local policy.

### **What Must the Local Authority Provide?**

#### **Suitable education that:**

Matches your child’s age, ability, aptitude and SEND

Is full-time, unless full-time would harm their health

Is equivalent to what they would receive in school

#### **Good alternative provision should:**

Support academic progress and recognised qualifications

Meet personal, social, emotional and academic needs

Keep your child engaged in learning

Include clear goals for future education or training.

### **When Is Section 19 Not Required?**

If parents electively home educate, responsibility for education transfers to the parent. The local authority must still be satisfied that the education is suitable and may offer support if requested. Parents can change their mind at any time, and the local authority must assist with securing a school place.

## When Should the Local Authority Step In?

### Illness or Health Needs

If your child cannot attend due to physical or mental health needs, the local authority should arrange provision as soon as it is clear they will miss 15 days or more (consecutive or cumulative). The 15-day figure is guidance, not a legal threshold.

### Permanent Exclusion

Full-time education must begin from the sixth school day after exclusion.

### “Otherwise”

Covers situations such as:

Anxiety, EBSA or school phobia

Chronic fatigue or fluctuating medical needs

Persistent bullying the school cannot resolve

Situations where attending school would be unsafe

Local authorities must consider each case individually and record how decisions are made.

## What Evidence Should Parents Gather?

### 1. Medical / Health Evidence

Helpful examples:

GP letter confirming anxiety, EBSA, chronic fatigue or other health needs

Notes from CAMHS, paediatrics or mental health teams

Any statement that attending school is not currently possible

A GP note does not need to be lengthy or diagnostic.

### 2. Evidence From School

Ask the school for:

A record of interventions tried

What has and hasn't worked, and why

Adjustments or phased returns attempted

Risk assessments

Notes of meetings with you

This shows that attendance is not currently possible despite reasonable efforts.



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