

Ensuring A Good Education For Children Who Cannot Attend School Because Of Health Needs

Guidance – Working Draft, January 2014

New statutory guidance was issued by the Department for Education in January 2013.

The following provides guidance to Local Authority Officers and Schools on their duties to meet the needs of children who have difficulty in accessing education due to health needs.

The full guidance can be found at:

<https://www.education.gov.uk/aboutdfe/statutory/g00219676/special-health-needs-education>

Maintaining a Pupil's Education

Chair: Dr Ian Orpen | Clinical Accountable Officer: Dr Simon Douglass

All pupils should continue to have access to education when they are ill or unable to attend school for other medical reasons, temporary or long term. The nature and amount of educational activity they do must always be dictated by their medical condition, balanced with the need to help them keep up with their studies and maintain the momentum of their education.

The main legislative framework is:

- Section 19 of the Education Act 1996
- Equality Act 2010

Local authorities must:

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 not receive suitable education. It is the LAs policy that pupils outside of statutory school age (e.g. reception & 6th form), who are on the roll of a school, academy etc., will be treated the same as those of statutory school age.

What this means in practice:

Where a pupil is on the roll of any type of school or academy (including independent schools) and/or alternative provision, the LA will have been deemed to have made suitable full-time education.

Where a pupil is Electively Home Educated (EHE) the LA has the same responsibilities to ensure they receive a suitable education, should they fall ill. In such cases, discussions will need to take place between the CMES and parents/carers and referred to the LA Officer responsible for sick children.

If a pupil is unable to attend school due to **hospitalisation** then the LA will provide suitable alternative education (in line with the pupil's health condition) through the Hospital Education and Reintegration Service (HERS). On leaving hospital, the HERS will liaise with the school to continue providing suitable education, in line with their health needs, until they are fully reintegrated back into school. The school will be charged for this service as agreed via Schools Forum.

Where a pupil is considered **unfit to attend school full time** (through written medical advice) the school is required to make **reasonable adjustments** to accommodate the pupil's continued access to education. Cost must not be a barrier to accessing education.

Similarly, where a pupil is considered **unfit to attend school at all** (through written medical advice) the school is required to make **every effort to provide an alternative** in order to accommodate the pupil's continued access to education e.g. via HERS. Cost must not be a barrier to accessing education.

Where full-time education would not be in the best interests of a particular child, because of reasons relating to their physical or mental health, the LA (through schools, who continue to have the day-to-day responsibility) should provide part-time education on a basis they consider, in consultation with medical professionals, to be in the child's best interests. Full and part-time education

should still aim to achieve good academic attainment particularly in English, Maths and Science.

The education children receive must be of good quality, as defined in the statutory guidance *Alternative Provision* (2013) and it should allow them to take appropriate qualifications, prevent them from slipping behind their peers in school and allow them to reintegrate successfully back into school as soon as possible.

Schools and the LA **must not** have a blanket policy regarding what constitutes reasonable adjustments or the level of access; decisions must be made on an individual basis and according to the needs of the pupil. **Many pupils with medical or health needs may be considered as 'disabled' under disability discrimination legislation.**

In deciding what is 'reasonable', it is often useful to consider what the impact of any adjustment would be on the efficient education of the other pupils. For instance, a pupil may be able to continue their education if they 'repeated a year' or attended only for certain lessons. This would need to be considered as a reasonable adjustment and a decision made on whether this would have a detrimental impact on the education of other pupils. Reasons not to make reasonable adjustments need to be clearly stated and recorded in case of challenge.

In particular, issues have arisen in providing suitable education for pupils who suffer from ME or Chronic Fatigue Syndrome or with emerging mental health issues. These are often 'hidden' debilitating conditions that can vary considerably and the situation can rapidly deteriorate unless support and adjustments are made through an agreed authorised absence plan.

The following are useful websites for ME/CFS:

www.ayme.org.uk - Association of Young People with ME

www.tymestrust.org - Tymes Trust - The Young ME Sufferers Trust

www.rnhrd.nhs.uk/page/85 - The chronic fatigue / ME clinic pages

The following is useful for emerging mental health needs:

<http://www.mentalhealth.org.uk/help-information/mental-health-a-z/>

It is important to note that pupils who are unable to access full-time education, due to ill health, must **NOT** be subject to the Fair Access or Managed Move protocols. Where advice and support is required, the school should contact the CMES or LA Officer responsible for sick children, who will advise on the best way of meeting the pupil's educational needs and the plans that should be drawn up. This advice is available to all schools.

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 and where no suitable education has been arranged. They should liaise with appropriate medical professionals to ensure minimal delay in arranging appropriate

provision for the child. Cumulative absence should not be confused with absence for trivial medical reasons. All schools should have an established system in place to challenge or support persistent absence which parents attribute to illness.

What this means in practice:

Schools are asked to liaise with appropriate medical professionals and to inform the CMES, via the CMES mailbox, of any pupil who meets the above threshold. The CMES will also interrogate the ONE and SIMS data systems, wherever possible, to identify pupils. The CMES will then contact the school to discuss whether any action needs to be taken e.g. follow up with the parent or support for making reasonable adjustments. This service will apply to all maintained schools and academies.

Schools will need to review the alternative provision offered regularly to ensure that it continues to be appropriate for the pupil and that it is providing suitable education.

The LA should make sure that it has a policy on additional health needs and that it is publicised.

What this means in practice:

Sally Churchyard is the named officer responsible for the education of children with additional health needs - sally_churchyard@bathnes.gov.uk

The LA will publish this policy statement (which incorporates the DfE Statutory Guidance) on their arrangements to comply with their legal duty towards children with additional health needs on its website and will, on request, provide a copy to parents/carers unable to access the site. This policy links with related services in the areas as follows:

- Statutory Special Educational Needs Service;
- Child and Adolescent Mental Health Services (CAMHS);
- Children Missing Education Service;
- Educational Psychology Service;
- School Nurses, and;
- Disabled Children's Team.

Schools should ensure that all staff receive appropriate training on differing conditions. This can be arranged, via the HERS, at cost to the school.

Information on these services/teams can be accessed on the B&NES website or via the Family Information Service.

The LA responsible officer will review this policy and procedures on at least an annual basis, prior to the start of a new academic school year or as necessary e.g. where there is a change in legislation or guidance.

This working draft version of the guidance will be reviewed in early 2014, following consultation with schools and interested parties.

Please report feedback to Sally Churchyard named officer responsible for the education of sick children with additional health needs by 31st January 2014

DRAFT

Hospital admission

GP/School/
parent/carer
agency referral

CMEO referral following termly
data screening
(B codes)

Hospital Education and Reintegration Service

Initial assessment – liaison with
consultant

Hearing the voice of the
CYP responding to their
needs and wishes

Liaison with School/Academy re: assessment and provision

HERS engagement with CYP begins asap

Discharge from hospital

Reintegration into
School/Academy

HERS collation of existing education and other assessments/liason
with other professionals involved – discussion on whether a Common
Assessment Framework is needed

Team around the child meeting – reintegration plan agreed and lead
professional informed/identified

*Invitations to
School/Academy
plays/concerts/
fairs/special events*

Appropriate level of tutoring provided

*Key contact in
School/Academy
keeping up- to-
date*

Initial review after one month (include
GP and school nurse)

*School/Academy
newsletters.
Sitting exams in
School/Academy*

Quarterly reviews (or agreed frequency)

*Links with other Services
and information*

- Health promotion
- Careers
- Citizenship
- Youth Service
- Support for parents/carers and family

Reintegration into School/Academy
Exit Support Plan in place

EXCEPTIONAL, remain in HERS
provision for duration of schooling

Exit Support Plan in place