



# IPSEA

Independent Parental Special Education Advice

Hunters Court, Debden Road, Saffron Walden, Essex CB11 4AA

---

## **My child has a medical condition and has been unable to attend school: how do they access education?**

The Children and Families Act 2014 works to ensure that children and young people with special educational needs (SEN) and disabilities can access education. S.100 of this Act might be useful if your child is suffering from ill-health (whether it is mental or physical ill-health). This can be found here:

<http://www.legislation.gov.uk/ukpga/2014/6/section/100/enacted>

You will see that schools, Academies and PRUs “must make arrangements for supporting pupils at the school with medical conditions”. This duty is owed by the “appropriate authority” which is either the governing body (of a maintained school) or the proprietor if it is an Academy.

To help schools, parents and carers, the Government has also published statutory guidance to explain how this duty should be carried out. The guidance, called “Supporting pupils at school with medical conditions” can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/484418/supporting-pupils-at-school-with-medical-conditions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484418/supporting-pupils-at-school-with-medical-conditions.pdf)

This guidance expressly states that governing bodies must ensure that arrangements are in place to support pupils with medical conditions. Paragraph 6 states:

“The governing body must ensure that arrangements are in place to support pupils with medical conditions. In doing so they should ensure that such children can access and enjoy the same opportunities at school as any other child.”

This paragraph goes on to explain that this will include considerations to be made as to how to ensure pupils are reintegrated back into school after absences arising because of their medical conditions.

The guidance goes into detail about what support should be provided by schools and how individual healthcare plans should be drawn up, reviewed and maintained by the school for children and young people with medical conditions. Individual healthcare plans can cover who is responsible for delivering any necessary support and any training they might need. The overriding duty is to ensure that the child or young person “can access and enjoy the same opportunities as any other child.”

The governing body should also make sure that the school has a policy regarding students with medical conditions and how they will be supported.

---

## **Providing advice to parents of children with special educational needs**

You are entitled to ask for a copy of this policy, your child's individual healthcare plan and to discuss any aspect of the way they are carrying out their statutory duty under s.100 of the Children and Families Act with the school. If you are not happy with the way this duty has been carried out, then you can complain to the governing body.

If a child of compulsory school age has a medical condition or ill-health which means that they cannot actually attend school for a period of time, then the Local Authority will also have a duty under s19(1) of the Education Act 1996 to arrange suitable education for that child:

'(1) Each local education authority shall make arrangements for the provision of 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.'

s.19 (3A) of the Act says that the education provided shall be full-time education unless the Local Authority consider that this would not be in the child's best interests, for reasons that relate to his physical or mental health. The education arranged must be 'suitable' to the child's age, ability, aptitude and to his special educational needs.

If a child is on the roll of a school, but cannot attend for a period of time due to their health needs, then supporting medical evidence that confirms this will be needed, both because of the parental duty to ensure that a child attends school regularly, but also because the LA will expect this if they are asked to arrange 'suitable alternative education'.

There is statutory guidance (to which the LA 'must have regard') on their responsibilities (as well as their duties) in meeting the needs of children who can't attend school because of health needs that you can find here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/269469/health\\_needs\\_guidance\\_-\\_revised\\_may\\_2013\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269469/health_needs_guidance_-_revised_may_2013_final.pdf)

You'll see from Paragraph 12 of that guidance that the LA may expect supporting evidence about a child's medical condition from a consultant, but they should 'work closely with medical professionals and the child's family, and consider the medical evidence'. In the short term at least, this could be from a GP.

Disputes often arise between the LA and parents as to what a "full-time education" should be for a child who wasn't attending school due to ill-health, and LAs will often only offer a few hours of home tuition per week, for example. It is worth noting that the guidance (at the bottom of page 4) makes it clear that whilst "full-time education" is not defined in law, it should '***equate to what the pupil would normally have in school – for example, for pupils in Key Stage 4 full-time education in a school would usually be 25 hours a week.***'

If, despite a request to do so, the LA has not made any suitable arrangements for alternative education for a child who can't attend school in these circumstances; they will be in breach of

---

## Providing advice to parents of children with special educational needs

their statutory duties and you could consider making a complaint about that. There is a briefing on “Local Authority Complaints” at the “Challenging Decisions – Resources” tab here:

<https://www.ipsea.org.uk/what-you-need-to-know/challenging-decisions>

We can only provide information through this service, rather than offer direct advice. So if you need this, or you wish to discuss the situation with someone, you should book a call with one of our Advice Line volunteers:

<https://www.ipsea.org.uk/contact/advice-and-support/advice-line>