

## When a child can't go to school

This factsheet explains children and young people's rights to education and support while they are:

- absent from school because of ill health
- unable to attend school for other reasons.

These rights apply to education authority funded school and pre-school education only.

The factsheet does not cover home education, which is included in Enquire's Factsheet 9.

Under the law<sup>1</sup> every child of school age has the right to school education. Children who are unable to attend school, or whose education is interrupted, still have the right to education while not attending school.

Local authorities - usually through their education department - have a duty to provide education that is "adequate and efficient". They must also make sure it helps children to develop to the best of their mental and physical abilities.

### Children who are off school due to ill health

If children miss school because of ill health, education authorities have duties to ensure they can continue their schoolwork while they are absent.<sup>2</sup> These duties apply when a child misses school because of:

- accident
- trauma
- mental health issues
- chronic long-term, life-limiting or terminal illness
- health conditions that mean they are in hospital repeatedly.

These duties apply to children who are off school for one long period of time or those who often miss school for shorter periods. They do not apply to children with routine childhood illnesses (such as chickenpox or a cold) where a quick return to school would be expected. Duties apply to children who are ill or recovering at home or those being treated in a children's hospital, an adult ward or in a hospice.

<sup>1</sup>The Standards in Scotland's Schools etc. Act 2000

<sup>2</sup>Guidance on education for children and young people unable to attend school due to ill health

## How should my child be educated when off school?

Because every child's needs are different, there are different ways of educating a child who is off school because of ill health.

However, out-of-school education should support a broad, flexible curriculum that builds on the pupil's existing learning and suits their state of health and where they are (e.g., hospital or home). It is important that the views of pupils themselves are listened to when arranging out-of-school education.

Often the child's school will take the lead by sending work home or to hospital. Or school staff may work alongside the local education authority to arrange out-of-school education. Schools should make sure they have procedures to record the work a pupil missed. They should communicate the details to the people who support the pupil.

Some education authorities have an outreach team or interrupted learners' team who will support pupils. In some areas, hospital education teams work with pupils who are in hospital or are living with a long-term condition that means they are in and out of hospital a lot.

## How will I be involved?

Whoever is providing out-of-school education should work with parents and any relevant health professionals to develop a programme of learning and support to meet the pupil's needs.

Your child's Named Person<sup>3</sup> (normally a health visitor for pre-school children and a head teacher for school-aged pupils) should keep parents informed.

## When should out-of-school education start?

A few very seriously ill children may not be able to receive education, but most children can benefit from education while getting medical treatment. Some children may need a short time to recover if they have been ill or in hospital but education authorities should make special arrangements for pupils to be educated "without undue delay".

If it is thought likely that a child or young person will be absent longer than 5 days, and if their health allows, education should be put in place immediately after this.

If it is not clear how long a pupil will be off school, out-of-school education should start as early as possible. It should be in place after 15 days of continuous absence or 20 days of frequent absences.

## What should I do if I know my child will be off school?

If your child will be off school for planned treatment, contact the head teacher and discuss what support the school will give your child while they are off.

If your child is in hospital or likely to be absent a long time, the education authority may get the hospital education or outreach team to contact you.

<sup>3</sup>All children and young people will have a Named Person by law from Autumn 2016

## What should I do if my child's absence is not planned?

If your child is off school unexpectedly, you should let their school know by phone and then in writing as soon as possible, giving the reason and possible length of absence, if known. If the reason and the pupil's needs are complex, ask their health professional (GP, mental health worker or hospital consultant) to write to the school.

Arrange a time to talk to the head teacher about what support is needed while your child is off. If appropriate, also discuss what support may be needed to help your child back to school and any support needs that may arise from their illness or treatment, including medication or medical treatment that may need to be given or managed in school<sup>4</sup>.

Children with health needs often have an Individual Educational Programme or other plan (names of plans vary across Scotland). Some children with more complex and lasting support needs that involve health or social service support may have a Co-ordinated Support Plan. You should discuss the impact of your child's illness on any existing plan and whether it should be reviewed.

If your child does not have an Individual Educational Programme or other plan, you may want to ask the school to open one. You can find out more about learning plans in Enquire's Factsheet 1: Planning children's and young people's learning.

## Who is responsible for my child's education while they are off school?

The local authority where you live remains responsible for your child's education.

This applies even if your child is being treated outside the local authority area (say in a children's hospital). However, your local authority may ask the authority which the hospital is in to provide education for your child through its hospital or outreach education service.

If a child attends an independent school, you and the school are responsible for ensuring education continues while the child is absent.

## What if my child is not attending school but does not have a diagnosed illness?

Sometimes a pupil may not be attending school or miss a lot of school because they:

- are a young parent
- care for a family member who is ill or disabled
- refuse to go to school or have a school phobia
- have an undiagnosed mental health condition.

They have the same right to education as other children.

<sup>4</sup>Scottish Government Guidance on Administrations of Medicines in Schools (2001) is currently under review

Interrupted learning can lead to a child being identified as having additional support needs. By law<sup>5</sup> these children have the right to extra support to help them get the most from their education.

If your child is absent, or likely to be absent, from school you should talk to the head teacher as soon as possible and explain why your child is not, or will not be, coming to school. This will allow the school to consider your child's needs and arrange suitable support.

In some cases, schools will be able to meet the pupil's needs by providing support such as arranging for work to be sent home or by giving them extra time for homework or to catch up with work they have missed.

In other cases they may refer your child to a specialist service such as an interrupted learners', outreach or young parents' education service.

The school may decide that your child would benefit from an Individual Educational Programme to help plan their support. You can find out more about learning plans in Enquire's Factsheet 1: Planning children and young people's learning.

It is important to talk to the school as soon as your child is absent from school. If a child is often off school without explanation, the school cannot ignore it. So they may:

- inform the education authority about a child's continued absence
- make a referral to the Children's Reporter
- make an attendance order
- as a last resort, take the parents to court.

## **What if my child is off school because I think the support they receive does not meet their needs?**

If you are keeping your child off school because you do not think the school is supporting or can support your child, you should arrange to speak to the head teacher immediately to discuss your concerns.

If you have spoken to the school and are still unhappy, you may wish to talk to your local education authority. The Enquire helpline (0345 123 2303 or email [info@enquire.org.uk](mailto:info@enquire.org.uk)) can tell you the best person to speak to in your education authority.

There are other ways of resolving disputes about additional support, including mediation and independent adjudication. Pupils with a Co-ordinated Support Plan have additional rights of appeal. You can find out more about these in Enquire's Resolving Disagreements Factsheet 4 or by contacting Enquire.

<sup>5</sup>The Education (Additional Support for Learning) (Scotland) Act 2004, as amended

# What if my child is only attending school part-time?

Schools or local authorities may suggest that a pupil attends school part-time. This may be to allow them to recover from an illness, or could be a short-term solution until more suitable provision or support can be arranged. It could also be part of a planned phased return to school.

The law does not say that a child has a right to full-time education, but in the Standards in Scotland's Schools etc. Act<sup>6</sup> it implies that education means full-time education.

Part-time education should be seen as a short-term solution. It should take place with your full agreement. Schools should not provide a part-time timetable as a way of managing a pupil's additional support needs.

If your child has been on a part-time timetable for some time or you are unhappy with this arrangement, you should contact the school to discuss how it can help your child back to full-time education.

## Where to find out more:

### Factsheets:

Enquire factsheets look in more detail at a range of topics relating to additional support for learning. They also include links to other helpful resources.

[www.enquire.org.uk/publications/factsheets](http://www.enquire.org.uk/publications/factsheets)

### Publications

The parents' guide to additional support for learning, Enquire (2016)

Enquire Factsheet 9 School Attendance

<http://enquire.org.uk/20100622/wp-content/uploads/2010/11/school-attendance.pdf>

Guidance on education for children and young people unable to attend school due to ill health (2015) published by the Scottish Government

<http://www.gov.scot/Resource/Doc/158331/0042883.pdf>

The Administration of Medicines in Schools (2001) published by the Scottish Government (currently under review)

<http://www.gov.scot/Resource/Doc/158301/0042868.pdf>

### Organisations that can help

Action for Sick Children Scotland campaigns to raise awareness of the healthcare needs, rights and responsibilities of sick children and their families. They provide advice and information to families.

<http://www.ascscotland.org.uk>

<sup>6</sup>The Standards in Scotland's Schools etc. Act 2000

Enquire is the Scottish advice service for additional support for learning. We provide independent and impartial advice to parents and carers, to practitioners in education, social work and health services, and to children and young people themselves.

This factsheet was written in partnership with Action for Sick Children Scotland.



This factsheet has been awarded the Clear English Standard.



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