

# When your child is too unwell to attend school

This factsheet explains:

- pupils' rights to education when they are too unwell to attend school
- how and when out-of-school education should be provided
- what you can do if you are not happy with your child's education while they are absent.

## Does my child have a right to education if they cannot attend school?

Under the United Nations Convention on the Rights of the Child (UNCRC), all children have the right to an education.

Scottish law<sup>1</sup> says that every child of school age has a right to an education that helps them develop their abilities to their fullest potential.

Pupils who are too unwell to go to school still have the right to an education while not attending school.

Local authorities have a duty to provide education for pupils in their area. If your child is unable to attend school due to ill health, their local authority must make sure that they can continue learning while they are absent<sup>2</sup>.

This duty will apply if your child misses school for reasons including:

- accident
- trauma
- mental health issues
- chronic long-term, life-limiting, or terminal illness
- health conditions that mean regular hospital visits.

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

<sup>2</sup>Education (Scotland) Act 1980

The duty to make alternative arrangements applies if your child is absent for one long period of time, or if they often miss school for shorter periods. It also applies if they are unwell or recovering at home or if they are in a hospital or hospice.

It does not apply for common childhood illnesses (such as chickenpox or a cold) where your child would be likely to return to school quickly.

## Support to attend school

If your child needs extra help to fully benefit from their education, for any reason, they are said to have 'additional support needs'. Pupils with additional support needs have the right to the support they need at school<sup>3</sup>. The support they get should be based on their individual needs.

This means that if your child is unwell and this is impacting on their ability to attend school, the school should work with you and your child to understand what help they need. They should see whether there are supports or adjustments they could make for your child that would mean they could continue to attend school as much as possible.

Find out more in our factsheet on [Additional support for learning: key facts](#).

## My child is too unwell to attend nursery, what are their rights?

You can find information about absence from nursery in our factsheet on [Additional support for learning in the early years](#). You can also contact our helpline for advice.

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

A few very seriously ill pupils may not be able to receive education, but most can benefit from continuing with their learning while getting treatment or recovering. Some pupils will need some time to recover before they are able to start receiving education, but local authorities must make alternative arrangements for educating pupils 'without undue delay'.

If it is known that a pupil is likely to be absent for five days or more and their health allows, education should be put in place immediately.

If it is not clear how long a pupil will be off school, the school should make arrangements as soon as possible for them to continue learning. Out-of-school education should be in place after no more than 15 working days of continuous absence, or 20 working days of frequent absences.

<sup>3</sup>Education (Additional Support for Learning) (Scotland) Act 2004, as amended

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

Because every pupil's needs are different, there are different ways that your child might learn while they are off school. The education they receive should support a broad, flexible curriculum that builds on their existing learning. It should suit their state of health and where they are (for example, hospital or home). It is important that the school and other professionals listen to your child's views when they are arranging their out-of-school education.

Often your child's school will take the lead by sending work to them or arranging for them to access learning online. Your child's school should have procedures to record the work that they have missed and should communicate the details to those who support your child.

School staff may also work with the local authority to arrange out-of-school education. Some local authorities have an outreach team or interrupted learners' team who can support pupils who are out of school. There may also be a hospital education team that could work with your child if they are in hospital for a long time or have a condition that means they are in and out of hospital a lot.

If your child is receiving treatment in a different local authority area, your local authority might ask people from the area where the hospital is, such as from its outreach or hospital education service, to help support your child.

## How will my child and I be involved?

Whoever is providing out-of-school education for your child should work with you, your child and any relevant health professionals to develop a programme of learning and support to meet your child's needs. The school and local authority should listen to your and your child's views about the support they need:

- to learn while they are out of school
- to be able to return to school
- once they are back in school.

They should keep in touch with you and your child to find out about your child's progress and health. You and your child should be involved in decisions about their education and support on an ongoing basis.

## 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 school and discuss what support they will give your child while they are off.

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

## What should I do if my child's absence is unexpected?

If your child is off school unexpectedly, you should let the school know as soon as possible, following the school's procedures for letting them know about absences. You should give the reason and the possible length of the absence, if known. If the reason and your child's needs are complex, you can ask a health professional who is involved to write to the school.

If your child is likely to be off for five days or more, or to have regular absences for a while, arrange a time to talk to the school about the support your child will need while they are off. You can discuss arrangements for making sure they can continue to learn and ask whether the local authority has an outreach education team (or similar) that could help support your child.

## Returning to school after an absence

If your child has missed a lot of time from school, or their needs have changed as a result of their illness, the school should work with you and your child to make sure they will have the support they need. This includes agreeing what support they will need to be able to return to school and once they are back in school.

For example, if your child will need to take medication or have other medical treatment given or managed in school, the school should work with you and relevant health professionals to put a healthcare plan in place for them. Find out more in our factsheet on [Supporting pupils with healthcare needs](#).

If your child needs support at school on an ongoing basis, you can ask for a review of their learning support plan. If they do not have a plan in place, you may want to ask the school to open one. Find out more in our factsheet on [Planning your child's support](#).

## Can my child attend school part-time?

To help your child be able to return to school, the school might suggest a part-time timetable. This can be an effective way of supporting a phased return and building up the time your child spends back at school. There should always be a clear plan in place for helping your child return to full-time education.

Schools should not use part-time timetables on a long-term basis as a way of managing your child's additional support needs. Your child continues to have the same right to an education as other pupils and the focus should be on working out what support they need to return full-time and putting this in place.

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

## I'm not happy with the education my child has been receiving while they have been off school, what can I do?

The first step is to contact your child's school to discuss your concerns. You can ask for a meeting to talk about what more the school can do to help make sure your child can continue learning while they are off school. This could include asking whether schoolwork can be sent home and whether they can access any online resources to help them. You could also ask whether the local authority has any support teams (such as an outreach education team or interrupted learners' service) that your child could get help from.

If you are not happy with the school's response, you can put your concerns in writing to the head teacher. There are also further steps you can take, such as getting in touch with the contact for additional support for learning at the local authority. Find out more in our factsheet on [Avoiding and solving problems](#).

## Where can I find out more?

### Education of children unable to attend school due to ill health (2015)

[www.gov.scot/publications/guidance-education-children-unable-attend-school-due-ill-health](http://www.gov.scot/publications/guidance-education-children-unable-attend-school-due-ill-health)

This Scottish Government guidance explains the roles and responsibilities of local authorities, schools, hospitals, and other services in relation to pupils who are unable to attend school due to ill health.

### Children's Health Scotland [www.childrenshealthscotland.org](http://www.childrenshealthscotland.org)

Tel: 0131 553 6553      Email: [enquiries@childrenshealthscotland.org](mailto:enquiries@childrenshealthscotland.org)

Children's Health Scotland helps families access the best possible healthcare by providing information, resources, support, and advice.

This factsheet was written in partnership with Children's Health Scotland.





# How Enquire can help

Enquire can help you understand your child's rights to additional support for learning and how to work in partnership with their school or nursery to make sure your child gets the support they need.

Enquire can:

- explain your child's rights to additional support for learning
- listen to any questions and concerns
- advise you on the way forward
- help you find local education and support services.

You can contact our helpline on **0345 123 2303** or **info@enquire.org.uk**  
Access to interpreters is available.

You can also find lots more information about additional support for learning, including our full range of publications, at **www.enquire.org.uk**

The information on our website is available in over 100 languages and with a range of accessibility tools, such as text-to-speech.

Reach, as part of Enquire, provides advice and information for children, parents, carers and professionals about children's rights to additional support for learning: **www.reach.scot**

Enquire is also a partner in the My Rights, My Say service. My Rights, My Say supports children aged 12-15 with additional support needs to exercise their rights to be involved in decisions about their support in school:  
**www.myrightsmysay.scot**

**Enquire factsheet: When your child is too unwell to attend school**

© Enquire August 2021

Enquire is funded by the Scottish Government and managed by Children in Scotland



Scottish Government