



Your Key Rights When a Child Can't Attend School Due to Anxiety / SEND

★ 1. Your child has the right to an education, even if they cannot attend school.

Local authorities have a **legal duty** to provide suitable alternative education if a child is out of school for **more than 15 days** (consecutive or accumulated) because of illness, anxiety, or SEND-related reasons.

This can include:

- Online tutoring
- Home tuition
- Specialist provision
- Hybrid/part-time alternatives

The education must be:

- **Full-time or as much as they can manage**
- **Suitable for their age, ability, and needs**

★ 2. School anxiety counts as a *health need*

Even if you don't have a medical diagnosis, anxiety that prevents attending **must** be taken seriously.

Schools *cannot* say:

- "Without a diagnosis we can't make adjustments."
- "This is just parenting/behaviour."

If the GP or CAMHS says your child is unfit for school — or if you are clearly seeking support — the school and LA must respond.

★ 3. Schools must make reasonable adjustments under the Equality Act 2010

If your child has SEND (diagnosed or traits), the school must adapt to *reduce the anxiety trigger*, including:

- Reduced timetable
- Safe space / quiet room
- Removal from overwhelming transitions
- Online or home-based learning
- A named trusted adult
- Sensory and PDA-friendly approaches

They cannot:

- ✗ Punish anxiety-driven absence
 - ✗ Demand full reintegration on a timetable that harms your child
 - ✗ Refuse adjustments because “we’ve never done that before”
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★ 4. If your child’s anxiety is due to unmet SEND needs, they have a right to assessment (EHCP)

You *do not* need school agreement to request an EHCP.

Anxiety + school non-attendance is a valid reason to request assessment.

★ 5. You cannot be fined for mental-health-related absence

If the school knows the absence is due to anxiety/SEND, they should mark it as:

- **I** (illness)
- **C** (authorised other circumstances)
- **R** (refused by school but awaiting support – not a penalty reason)
- or **SEND-related code** depending on LA practice

Fines are not appropriate when the absence is for health or SEND reasons.

★ 6. Your child is entitled to a *trauma-informed* reintegration plan

Reintegration must be:

- Gradual
- Led by the child's tolerance
- Flexible day-to-day
- Reviewed frequently
- With anxiety-reducing adjustments in place **first**

A forced or rapid reintegration breaches guidance.

★ 7. You have the right to ask for:

- An **EBSA plan**
- A **risk assessment**
- A **pastoral support plan**
- A **SEND support plan**
- Home-school hybrid learning
- Safe/quiet arrival points
- Travel anxiety adjustments

And you don't need to justify or apologise for asking.