

CHILDREN WHO ARE UNABLE TO ATTEND SCHOOL DUE TO HEALTH NEEDS

Section 19 of the Education Act 1996 states that the Local Authority has the following duty:

Each local authority in England 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.

Furthermore 'Arranging education for children who cannot attend school because of health needs' (DfE Dec 2023) states that:

'.. where a child remains on the roll of their home school but requires a period of time in alternative provision due to their health needs, the local authority and home school may wish to consider the transfer of a portion of the school's funding associated with that child to the alternative provision.'

Equally Section 100 of the Children and Families Act makes the following provision:

This section places a duty on governing bodies of maintained schools, proprietors of Academies and management committees of pupil referral units to make arrangements for supporting pupils at school with medical conditions.

CURRENT SITUATION IN TORBAY

The graduated response for attendance and the Emotionally Based School Avoidance advice outline the aspiration for schools' S100 provision, but it is unclear how consistent the approach is across the local area.

In 2019, Torbay Schools Forum made a decision to recoup funding for children receiving education through the Medical Tuition Service (MTS) at Parkfield MySpace. This funding is recouped at 1/39th of AWPU per week of provision.

For reasons beyond the scope of this paper, the 35 children and young people at MTS have been reduced to 4 with the remainder either receiving an offer from MTS staff seconded to schools or through alternative provision (mostly tuition services)

This has significantly reduced the funding recouped and clearly does not meet the ambition in the guidance to '*ensure that the funding follows the child*'.

The High Needs Block has funded 59 packages for 30 children in the year to week 19 at a cost of £106,449. This has not been recouped. There are also 24 children supported by seconded MTS staff with 4 children on site. MTS provision is resourced at £1.2M with approximately £20,000 of recoupment.

RECOMMENDATION

1. The Local Authority undertake an audit of S100 provision to better understand the provision offered and reports this back to the Schools Forum.
2. Children who receive no supervised education from their on roll school but who are supported through the section 19 arrangements should be the subject of recoupment into the High Needs Block at the same rate as previously agreed for children attending MTS.
3. Children who receive supervised education from their on roll school but are also supported through section 19 arrangements (including seconded MTS staff) should be subject to proportional recoupment into the High Needs Block with the proportion expressed as hours/week accessed via each route.

EXEMPLAR

Given the AWPU rates for 24/25 below:

Phase	AWPU	Weekly Rate
Primary	£3562	£91.30
KS3	£5022	£129.54
KS4	£5661	£145.15

full recoupment would be as

If those children on packages were subject to recoupment to week 19, the High Needs Block would recover:

Phase	Number	AWPU	Total
Primary	7	£ 3,562.00	£ 12,142.90
Key Stage 3	6	£ 5,022.00	£ 14,767.56
Key Stage 4	17	£ 5,661.00	£ 46,883.45
			£ 73,793.91

This is against a commitment of £106,449.00