

To: Schools Forum
20 June 2024

Funding Arrangements for Pupils not attending school due to Permanent Exclusions and Medical Reasons

Executive Director: People

1 Purpose of Report

- 1.1 To present proposals to school's forum for September 2024 regarding pupil-led funding factors when pupils are not attending school due to ill-health or exclusion.

2 Recommendations

- 2.1 To note the intention to implement the DfE funding policy for redetermination of a school's budget following a permanent exclusion, as detailed in [section 24](#) (ESFA schools operational guide 2024 to 2025)
- 2.2 To agree to the approach for recoupment for the redirection of pupil funding for those that are unable to attend school due to medical reasons as set out in the supporting information.

3 Reasons for recommendations

- 3.1 The current circumstance is that when a child is referred into the tuition service or is permanently excluded, the school continues to receive their allocated funding and it is not redirected to their current and/or future provision.
- 3.2 By supporting the outlined recommendations, this will bring the local authority in line with the *ESFA schools revenue funding 2023 to 2024* guidance and funding considerations as described in *Arranging education for children who cannot attend school because of health needs*.

4. Alternative options considered

- 4.1 Do nothing. Continue with not receiving the recoupment

5. Supporting information

Pupil-led funding in relation to Permanent Exclusions

- 5.1 In line with the ESFA Schools Funding Regulations for 2024-25 and accompanying Operation Guidance, when a Head Teacher permanently excludes a pupil from school, Bracknell Forest Council should recoup the pupil funding from the excluding school. This relates to both maintained and academy schools and acts independently of whether a particular pupil has been on the census in the first place, and whether the school has received funding for them.
- 5.2 Bracknell Forest Council is required to calculate the in-year amount to be deducted and re-claim this from the excluding school's budget. This amount relates to the age and personal circumstance of that pupil, pro-rotta to the number of complete weeks

remaining in the financial year from the relevant date; the relevant date is from the sixth school day following the date of permanent exclusion.

- 5.3 The deduction covers the basic entitlement, and the relevant amounts for pupil-led factors, such as free school meals or English as an additional language, where the pupil attracted funding through those criteria.

Where the excluded pupil is entitled to pupil premium, funding is recouped/re-claimed on the same basis.

The following worked example from the ESFA guidance 2024/25 demonstrates how the deduction from the excluding school's budget is calculated, where the 'relevant date' is 1 October (26 weeks remaining in the financial year):

Funding formula factor	Amount
Basic entitlement	£5,022
Free school meals	£490
Free school meals Ever6	£1,200
English as an additional language	£1,585
Sub-total	£8,297
Pro-rata total for 26 weeks	£4,148.50
Deduction from excluding school's budget	£4,148.50

- 5.4 An exception will be applied to using the number of weeks remaining in the financial year where the exclusion takes place after 1 April, in a school year where the pupil would normally have left at the end of that school year. In that case, the calculation will be based just on the number of weeks left until the end of the school year.

- 5.5 Where the excluded pupil is eligible for the pupil premium, the pupil premium itself will not be recovered from the excluding school but the budget share will be adjusted for the pupil premium on the same basis as the calculations above.

Summary of note on permanent exclusions recouplement from September 2024

To note that from September 2024 that a deduction will occur for all permanently excluded pupils from the sixth day that will cover the basic entitlement, and the relevant amounts for pupil-led factors, such as free school meals or English as an additional language, where the pupil attracted funding through those criteria. Where

the excluded pupil is entitled to pupil premium, funding is recouped/re-claimed on the same basis.

Pupil-led funding in relation to pupils with medical needs

Background and Statutory Legislation

- 5.6 Section 19 of the Education Act 1996 requires local authorities to ensure arrangements are made for pupils who are unable to attend school because of ill health. When carrying out this duty due regard must be given to the statutory guidance, "Arranging education for children who cannot attend school because of health needs", DfE, 2023. In Bracknell this service is provided by the Tuition Service and schools do not contribute to the cost.
- 5.7 The guidance states that:
- Local authorities **must**:
- arrange suitable full-time education for children of compulsory school age who, because of physical or mental health illness, would not receive suitable education without such provision.
- Local authorities **should**:
- Provide such education as soon as it is clear that a child will be away from school for 15 days or more, whether consecutive or cumulative.
 - Liaise with appropriate medical professionals to ensure minimal delay in arranging appropriate provision for the child.
 - Ensure that the education children receive is of good quality, as defined in the statutory guidance Alternative Provision (2013), allows them to take appropriate qualifications, prevents them from slipping behind their peers in school and allows them to reintegrate successfully back into school as soon as possible.
- 5.8 Outlined in Section 100 of the Children and Families Act 2014, there is a duty for governing bodies of maintained schools and academies to make arrangements for supporting pupils with medical conditions. School governing bodies must ensure that school leaders consult health and social care professionals, pupils and parents to ensure that the needs of children with medical conditions are properly understood and effectively supported.

Tuition Service review and offer

- 5.9 As part of the Ofsted and CQC thematic visit on alternative provision, Bracknell Forest Council's Tuition Service was reviewed alongside other AP providers commissioned by the local authority. The report highlighted positive feedback from inspectors;

"The BFC Tuition Service, which is a relatively new venture for the local area, is seen as the way forward in pulling all the relevant agencies together. Children and young people have clear exit strategies. These are to move back to their mainstream school, transition to specialist provision, or move on to a post-16 placement."

And

“There is a clear understanding of what the service is aiming to achieve and, consequently, transitions both into and out of the service are described as being smooth and well considered.”

An example of what parents and carers state about the Tuition Service would be:

The tutor “understands him and the challenges he faces so well and the ways in which she is flexible and understanding in lessons helps him so much to achieve and to manage everything. She finds such creative ways of engaging him and we always enjoy finding out what they have been doing.”

And

The service provides “ongoing support for the tutor and for myself as we seek to help him enjoy learning, continue gaining confidence and to achieve qualifications and progress in his learning. We are so thankful to have things in place and people around us who help us support him and make him feel valued and achieve.”

- 5.10 The service offer currently comprises core subject teaching, dependent upon the pupil’s key stage. Maths, English and Science are taught by qualified teachers, AV1 Telepresence Robots (which allow access to the home-school classroom curriculum) and other online providers. Regular mentoring sessions and PSHE are also included in the timetable, along with support to build resilience and reintegration back into school/appropriate destinations.
- 5.11 There is an over-representation of children and young people who have autism mentioned as their primary need, or one of their primary needs on referral forms for The Tuition Service (37.5%). In addition, many are awaiting assessment through the Neurodevelopmental Pathway. 29% of learners supported by The Tuition Service have EHC Plans, with a further 11% with applications submitted for a Needs Assessment.
- 5.12 A significant majority of requests for support are for pupils with needs associated with anxiety (46%) and mental health (11%) which present as a barrier to accessing school. The other 11% include those with low immunity, a temporary restriction in mobility, a condition which requires ongoing hospital treatment, including post-operative recovery where school attendance is not yet appropriate.
- 5.13 11% of students have remained on the Tuition Service since they were initially referred under College Hall in 2021/2022. 20% have been with the service for less than one term, 16% for between one and two terms, and 9% for between 2 and 3 terms. The remainder have been with the service for a year or more.

The table below summarises the destinations and reasons for discharge from the service since September 2023

Destination	Number	Percentage
Mainstream school	7	37%
Specialist setting	5	26%
Alternative provision	3	16%
Deceased	1	5%
Electively Home Educated	1	5%
Hospital school	1	5%
Section 7	1	5%

Month	Referrals	Accepted	Rejected	Reintegrated	Destination
Sept	5	4	1	1	1 EHE
Oct	5	4	1	0	
Nov	1	1	0	1	1 specialist
Dec	1	1	0	5	2 specialist 1 deceased 1 Alt Prov 1 mainstream
Jan	7	6	1	2	1 hospital 1 specialist
Feb	8	5	3	3	1 Alt Prov 2 mainstream
Mar	9	6	3	4	1 prosecution 3 mainstream
Apr	2	2	0	3	1 specialist 1 Alt Prov 1 mainstream

Hospital Tuition

- 5.14 Bracknell Forest Council is also responsible for overseeing any pupil requiring education whilst an inpatient. Bracknell Forest Council is charged day rates for the educational provision received while in hospital. However, Bracknell Forest Council does not have the ability to decide on where the pupil is placed and therefore the cost and length of admission is outside of its control. Bracknell Forest Council does not currently recoup any funding from schools to offset the cost of a learner's education provision. The below shows the volatility of actual outturn over the last three years:

2021/22 - £22,700

2022/23 - £40,600

2023/24 - £4,375

Funding

- 5.15 In 2023-24 the Tuition Service received a net budget allocation of £763,180.00 from the High Needs' Block to fund staffing, travel, resources and hire of accommodation. This overspent by £424,129.99 in 2023-24. The budget is not supported with income from schools. The service is struggling to meet demand and is seeing a significant increase in referrals from schools.
- 5.16 The Safety valve review concluded that the current funding model is unsustainable and as a result have conducted organisational change and enhanced the offer to include technological solutions to enhance the breadth and depth of the curriculum offer.

Prevention and links to the SEND Strategy

- 5.17 Whilst stakeholders' express satisfaction with the quality of support and range of provision received from The Tuition Service, ultimately questions need to be asked about the increase in extended non-attendance at school, particularly related to learners with ASD, anxiety and related mental health conditions.

The Autumn Term is usually the "quieter" of the three for the Tuition Service, however, comparing the team's "active" cases over the first three months of the academic year over the last two years, highlights the extent of the pressure the team is feeling currently:

01/09/2022 – 31/12/2022 - 30 active cases finished the year with 64

01/09/2023 – 31/12/2023 - 44 active cases finishing the year (as of today) with 56

- 5.18 Timely interventions from relevant specialists, initiation of Early Help and training for schools, settings and families are key priorities highlighted in the SEND Strategy and Written Statement of Action, and Early Support and Advice Workstream. Specialist Support Managers, EPS and the Education Attendance Service are working closely with schools to identify reasons for extended non-school attendance.

Currently, the nil-cost of tuition provision for schools' questions whether this disincentivises earlier intervention and the bringing in of appropriate external specialists, such as Autism specialist teachers and EPS at the earliest opportunity.

Other LA delivery of Section 19 medical needs

- 5.19 Medical Referral Units are the more usual provider of medical needs' provision in other local authorities, alternatively services are commissioned via a local hospital school or Alternative Provision. Funding models include a mix of Dedicated School Grant budget and contributions from schools. Bracknell Forest Council does not have a hospital within the authority and the current alternative provisions do not have this expertise currently.

Proposals

- 5.20 Currently no AWPU is recouped, and no other funding follows the child while they access their provision from The Tuition Service. The proposed funding model strengthens the link between the learner and the pupil-led elements of funding.

In the new model, 100% of the AWPU will be deducted, along with the other pupil-led funding streams, including the EHC Plan top-up funding and Pupil Premium (PP) will also be required to follow the child for the period of time that the pupil is accessing their education from the 'Tuition Service'. This will be at a rate of 100% of the EHC Plan top up, if the learner has an EHC Plan and 100% of Pupil Premium. Funding will be recouped on a pro rata basis.

- 5.21 It is proposed also that funding is recouped at the same levels for the duration of their hospital stay to offset the cost of educational provision when a pupil is admitted to hospital and the local authority is charged for this. The Tuition Service is often identified as an appropriate service to support with the reintegration of students as part of the discharge planning from hospital.

Summary of proposals on medical needs from September 2024

- To seek voluntary recoupment of 100% of AWPU when a pupil receives their education from in person tuition via the BFC 'Tuition Service' and to recoup 100% of AWPU for the duration of a stay when a pupil is admitted to hospital and the local authority is charged for educational provision.
- To seek voluntary recoupment of 100% of Education Health & Care Plan top up when a pupil with an EHC Plan receives in person tuition via the BFC 'Tuition Service' or for the duration of a stay when a pupil is admitted to hospital and the local authority is charged for educational provision.
- To seek voluntary recoupment of 100% of Pupil Premium when a pupil who is eligible receives in person tuition via the BFC 'Tuition Service' or for the duration of a stay when a pupil is admitted to hospital and the local authority is charged for educational provision.

7. Consultation and Other Considerations

Legal Advice

7.1 Borough Solicitor

The relevant legal issues are addressed within the report. The LA is able under the ESFA to recoup the AWPU in respect of children and young people who have been permanently excluded and by agreement for children that are educated by the tuition service as the funding should follow the pupil.

Financial Advice

- 7.2 The proposals set out in this report ensure compliance with the current School Funding Regulations and expectations from the DfE in respect of financing the cost of permanently excluded pupils and those on medical support.

Equalities Impact Assessment

- 7.3 Equality Impact Assessments (EqIA's) are undertaken on changes to policy and decisions that could have impacts on any of the protected characteristics under the Equality Act 2010. All service areas will undertake EqIA's as appropriate for the activities within the service plans, as part of business-as-usual activity. Recognition of equality related activity is included throughout the plans for relevant activity.

Climate Change and Ecological Impacts

- 7.4 None

Health & Wellbeing Considerations

- 7.5 None

Other Consultation Responses

- 7.6 None

Contact for further information

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