

Southampton City Council
Inclusion Services
Tier 4 CAMHS Hospital
Independent Education Provision Policy

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This document sets out the Local Authority's process and funding arrangements for pupils accessing independent education provision whilst placed in a Tier 4 CAMHS hospital provision.

This document provides a transparent framework enabling independent education providers and local authority accountability; the ability to monitor performance and delivery; promotion of high educational standards. This will assist the Local Authority in confidently discharging our statutory duties.

The Council's role is to ensure these particularly vulnerable children and young people have access to high quality education services with the opportunity to achieve and aspire. Education services that offer the greatest impact on their life chances, enable them to achieve well in safe centres of learning, with the best possible chance of reintegration following their discharge.

Southampton City Council works in close partnership with independent providers of education services taking a holistic and evidence-based approach, as highlighted within this document, to manage and improve outcomes for these children and young people.

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Statutory Duties and Guidance

1. The **High Needs Funding: Operational Guide 2018 to 2019**¹ states that:

“Hospital education is defined as education provided at a community special school or foundation special school established in a hospital, or under any arrangements made by the local authority under section 19 of the Education Act 1996 (exceptional provision of education), where the child is being provided with such education by reason of a decision made by a medical practitioner. Although we allocate funding to local authorities for hospital education without reference to the age of the young people receiving the education, local authorities’ duties differ for young people aged 16 and over. This may affect their decisions on funding education for young people in this age group, such as those in independent hospital schools.”

“Local authorities’ duties may require them to commission hospital education from other independent providers, not in receipt of funding directly from ESFA.”

“In these circumstances local authorities would be expected to pay the costs of this education from their high needs budgets. The law may not require local authorities to commission a particular education provider in order to discharge their duties, though decisions about education provision shouldn’t unnecessarily disrupt a child or young person’s education or treatment. Independent hospital education provision may be funded either as a single service by the local authority in whose area the provision is located, or on the basis of payments for individuals from those authorities in whose area the child or young person normally resides. In both cases the provider should confirm with the relevant local authority that they are content to commission and fund the education provision. If funding is provided as payments for individual children and young people, the provider should receive such confirmation from the local authority, if possible in writing, before providing education to the child or young person, and certainly before requesting any funding.”

2. Under the **Education Act 1996 Section 437** it is the Local Authority’s (LA) statutory responsibility to ensure all pupils of compulsory school age receive a suitable education (or education on a part-time basis as the LA considers to be in the pupil’s best interests) for pupils of compulsory school age who, because of illness, would otherwise not receive suitable education. Unless the child:

- Ceases to be of compulsory school age within the next six weeks, and
- Does not have any relevant examinations to complete

However should the pupil be in care to Southampton City Council LA, the Hospital Education Provider will need to have a dialogue direct with Southampton City Council’s Virtual School Head Teacher² in advance of education being provided.

3. **Section 19 of the Education Act 1996** places responsibility on the LA for pupils with Special Educational Needs (SEN) and special educational provision is made for them at a post-16 institution; the LA must pay the fees for the education and training received if the institution is named in the Education, Health and Care Plan (EHCP). If there is no EHCP and the LA is satisfied the pupil requires special educational provision and it is appropriate for them to receive it at the institution then the LA must pay any fees in respect of the special educational provision at the institution which is required to meet the SEN of the pupil.

¹ <https://www.gov.uk/government/publications/high-needs-funding-arrangements-2018-to-2019>

² maria.anderson@southampton.gov.uk

Whilst it is the LA's legal responsibility to provide education for pupils of compulsory school age and post 16 pupils with an ECHP, Tier 4 Education Providers should not assume that the school or LA will pay without prior notification and agreement of the costs and education to be delivered.

4. The **NHS Tier 4 CAMHS contract**³ with the hospitals states that:

"All day/in-patient services will provide educational sessions during normal academic term. Education should be an integral part of the service provision. The Provider educational provision should be The Office for Standards in Education (OFSTED) registered and meet necessary curriculum and education standards. The cost of the educational provision will be recharged directly by the Provider to the patients home Local Authority. The cost will not be included within the cost charged to the NHS."

5. The DfE's **Alternative Provision – Statutory guidance for local authorities**⁴ January 2013 states that:

"Local authorities have a power (not a duty) to arrange education provision, where not already available, for pupils aged 16-18⁵."

Post 16 admissions to Tier 4 CAMHS Hospital Independent Education providers will be considered on a case by case basis through consultation with the LA. The process for admission will follow as Appendix 1 below and paragraph 1 as above (page 3).

5. The DfE's statutory guidance on **Ensuring a good Education for Children who Cannot Attend School because of Health Needs**⁶ January 2013 Section 14 states that:

"The law does not specify the point during a child's illness when it becomes the LA's responsibility to secure for the child suitable full-time education. Schools would usually provide support to children who are absent from school because of illness for a shorter period, for example when experiencing chicken pox or influenza. In some cases, where a child is hospitalised, the hospital may provide education for the child within the hospital and the LA would not need to arrange any additional education, provided it is satisfied that the child is receiving suitable education. More generally, LAs should be ready to take responsibility for any child whose illness will prevent them from attending school for 15 or more school days, either in one absence or over the course of a school year, and where suitable education is not otherwise being arranged."

Therefore if a pupil is absent from their home school (school they are on roll at) for 15 days or less then it will remain the responsibility of the home school to organise suitable education provision, in the event that they are deemed well enough to participate in education activities. When a decision is made to admit a pupil for assessment, then the hospital should work with the pupil's home school to ensure they are given the appropriate work and funding is agreed by the pupil's home school up to the first 15 days of absence.

In the event of a pupil being admitted for a period that is anticipated to be more than 15 days then, the hospital education provider must notify the LA as it is at this point that the LA will become responsible for the education provision for the pupil.

³ <https://www.england.nhs.uk/wp-content/uploads/2013/06/c07-tier4-ch-ado-mh-serv-child.pdf>

⁴ <https://www.gov.uk/government/publications/alternative-provision>

⁵ Section 19(4) of the Education Act 1996

⁶ <https://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school>

6. A pupil's admission to a Tier 4 CAMHS hospital provision is without prior consultation with the school or LA. There is therefore no opportunity for the LA or school to determine where the pupil is placed and limited or no opportunity to determine who provides the education. The statutory guidance for local authorities on **Ensuring a Good Education for Children who Cannot Attend School because of Health Needs** states that:

"When a child is in hospital, liaison between hospital teaching staff, the LA's alternative provision/home tuition service and the child's school can ensure continuity of provision and consistency of curriculum."

Process on Admission to Tier 4 Independent Education Providers (Appendix 1)

1. Following a pupil's admission to a Tier 4 Hospital, the Education Provider is to provide the pupil's home school and LA⁷ in a timely manner with the following:

- Admission and discharge notices must be notified promptly to avoid delays in payment of invoices or overpayment by either the school or LA.
- In the case of Looked After Children where admission is planned a Personal Education Planning Meeting (PEP) should be held prior to admission and in the case of emergency admission a PEP should be convened with the child's social worker as soon as possible and within 10 days. A PEP should be convened prior to discharge to plan transition back into education. Please refer to the process in Appendix 2. Providers must make contact with the Southampton Virtual School Head Teacher at the earliest opportunity⁸.
- Written evidence of education being provided e.g. Individual Education Plan (IEP), objectives and progress towards agreed objectives must be shared with the school and LA etc.
- Evidence of two-way liaison with the pupil's home school regarding content of education and transition back to the home school upon discharge. If there is no home school, please provide the LA with evidence of liaison with other professionals where possible.
- The LA will contact the home school to confirm that education being provided is appropriate and to confirm liaison with the Education Provider and agreement of appropriateness of provision.
- For pupils who do not qualify for education provision as referenced in paragraph 1.2 above and who are in care to Southampton City Council, the Education Provider must liaise directly with Southampton Virtual School and Social Care to agree the funding stream.

2. Invoices submitted from the Education Provider for payment by either the pupil's home school (in relation to the first 15 days of absence) or the LA (in relation to absence days in excess of 15) should be accompanied by supporting evidence which may consist of attendance register, reduced timetable notification, current IEP or planning, progress and attainment data etc.

⁷ Southampton City Council

⁸ maria.anderson@southampton.gov.uk

3. The Education Provider must ensure that the education pupil's receive is of good quality, as defined in the DfE's statutory guidance Alternative Provision (2013), and 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.

4. The Education Provider should liaise with appropriate medical professionals to ensure minimal delay in arranging appropriate provision for the child.

School Approval of Funding Tier 4 Independent Education Providers

1. The pupil's home school will approve funding in relation to education provided by the Education Provider during the first 15 days of absence in accordance with their own scheme of delegation and internal arrangements.

LA Approval of Funding Tier 4 Independent Education Providers

1. The LA will approve funding based upon evidence provided as detailed in paragraph 2 above.

2. Contact MUST be made with the LA before education begins. Education prior to consultation with the LA (and home school where appropriate) may not be funded.

3. The LA may not approve funding for periods or sessions where a pupil is absent from education.

4. Payment may not be made to the Education Provider where there is insufficient information, as detailed in paragraph 2 above, provided to the LA.

5. The LA only agrees to fund pupils who are ordinarily resident in Southampton and those whom Southampton City Council is the corporate parent.

6. Invoices and evidence should be submitted on a monthly basis direct to elliott.nolan@southampton.gov.uk.

7. Invoices and evidence provided will be scrutinised by LA representatives from Inclusion Services and the SEND Team.

8. Where there are difficulties in obtaining evidence for example:

- The home school does not respond to written communication the LA reserves the right to refuse funding.
- When pupils do not have a home school setting this causes difficulties in gaining evidence regarding liaison and identifying someone who knows the young person to agree the appropriateness of the education provision being provided. The Education Provider must then communicate direct with the LA using the central e-mail address elliott.nolan@southampton.gov.uk.
- Where a home school reports that a pupil is not engaging with education in the hospital or with the work they are providing, the LA reserves the right to refuse funding.
- It is difficult to establish the balance between the therapeutic health provision required by the pupil to be able to engage with education and the provision of the education, the LA reserves the right to refuse funding.

9. Tier 4 Education Providers are reminded that funding is not available for Post 16 pupils unless they have an EHCP as this is funding provided by the Education & Skills Funding Agency (ESFA). Please see paragraph 3 in the above section *Statutory duties and guidance*.

10. Tier 4 Education Providers are reminded that funding is not available from the LA during a pupil's first 15 days of absence. Please see paragraph 5 in the above section *Statutory duties and guidance*

Relevant Legislation and guidance

Section 19 of the Education Act 1996 and Equality Act 2010

Department of Health Guidance: Hospital education: a guide for health services – published October 2015

High Needs funding operational guide 2017 to 2018

2013/14 NHS Standard Contract for Tier 4 Child and Adolescent Mental Health Services (CAMHS): General Adolescent Services

Alternative Provision – Statutory guidance for local authorities January 2013

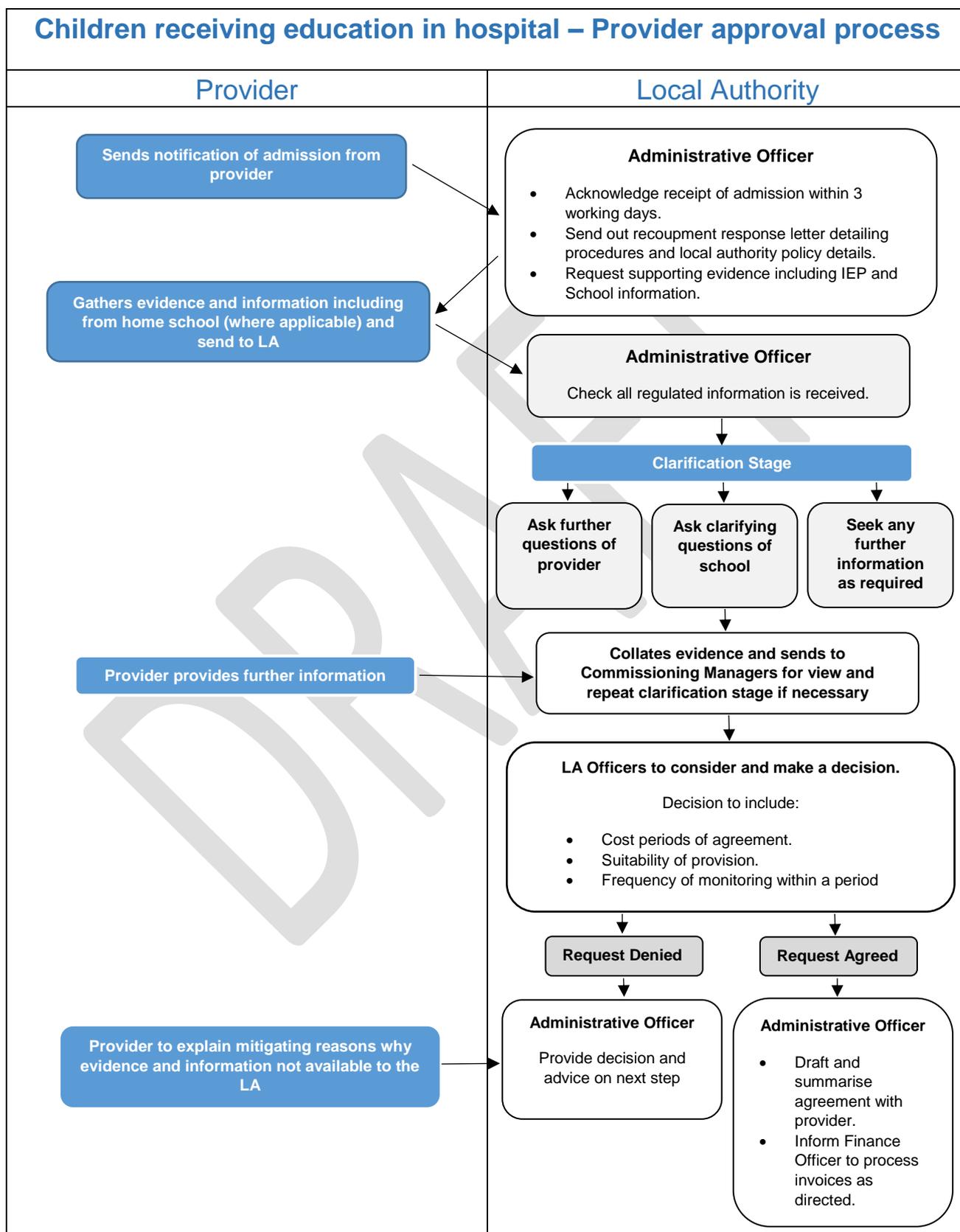
Ensuring a Good Education for Children who Cannot Attend School because of Health Needs January 2013

Mental Health Act 1983: Code of Practice – Section 19

Promoting the Education of Looked After and Previously Looked After Children DfE 2018

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Lead officer	Elliot Nolan	Review date	Click here to enter a date.
Contact	elliott.nolan@southampton.gov.uk	Effective date	Click here to enter a date.

Appendix 1



Appendix 2

Education of LAC Children/Young People in Medical Provision

Where tuition is being provided by a hospital, please record what will be provided, duration, frequency and what outcomes will be expected. **This should be reviewed at subsequent PEPs.** Any concerns regarding the quality of provision should in the first instance be discussed with your Virtual School Coordinator.

On admission to a medical provision

- The Virtual School should be contacted with confirmation of school status (EOTAS/B/D) and funding arrangements.
- Provision should be recorded through the ONE system, so that all other recording systems are updated (PARIS/ePEP etc).
- A PEP should be initiated in line with the statutory guidance by the social worker, in consultation with the virtual school to ascertain wider stakeholders who may need to attend.

PEP Meetings

- The PEP meeting should consider barriers to education, including any medical advice and how they can be overcome.
- A package of learning/activity should be agreed and arrangements for monitoring to be put in place.
- Consideration of the impact on attainment and progress needs to be fully considered and measures taken to minimise any impact on lost learning.
- Regular review PEPs should be agreed. These should be frequent to ensure that no opportunities are missed to increase provision when the pupil is ready.

End of Medical Provision

- The end date of education in medical provision should be clearly recorded on the pupil tracker. (Virtual School Action)
- The RAG rating should be reviewed. (Virtual School Action)
- A PEP meeting should be convened to plan education at the end of a placement in a medical provision wherever this should be planned to support good transition. Where this is not possible, then a PEP should be planned as soon as possible following discharge from the provision.
- Progress and attainment needs to be reviewed and consideration of intervention (e.g. tuition) to ensure that pupils have the opportunity to catch up with any missed education should be made.