

LOCAL AUTHORITY PROTOCOL

**THE EDUCATION OF CHILDREN WITH MEDICAL NEEDS
CHILDREN WHO CANNOT ATTEND SCHOOL BECAUSE OF
HEALTH NEEDS**

This document refers to applications for short-term support for medical reasons. This is separate alternative provision from other placements within the “hospital school” which is part of Educational Diversity or via the LINK process for respite, support and re-integration over one school term.

Revised January 2021 (V3) – panel membership updated 30/11/21 (P5)

Revised May 2022 (V4)

Revised November 2022 (V5)

Revised January 2023 (V6)

Revised October 2023 (V7)

CHILDREN WITH MEDICAL CONDITIONS AND NEEDS **SUPPORT AT SCHOOL**

All schools and academies must have regard to the statutory DFE guidance “Supporting Pupils at School with Medical Conditions” (December 2015) (updated August 2017)

The guidance refers directly to the statutory duties of all schools and academies to arrange support in school for children with medical conditions. It also applies to activities taking place off-site as part of normal educational activities. (This guidance does not apply to maintained nursery schools or 16-19 academies).

Also statutory DFE guidance “Ensuring a good education for children who cannot attend school because of health needs” (January 2013)

The Children and Families Act 2014 – Section 100 states that:

“The governing bodies, management committees, proprietors and trusts of maintained schools, academies and pupil referral units have a duty to arrange support at their school or academy for children with medical conditions”.

The Equality Act 2010 requires that:

“Schools and academies must consider whether they need to make any reasonable adjustments to provide suitable access to premises or provision for the child”.

There are many circumstances where children with health needs will receive suitable education that meets their needs without the intervention of the Local Authority. For example:

- Where the child can still attend school with some support;
- Where the school has made arrangements to deliver suitable education outside of school for the child;
- Where the child is being educated in a hospital by an on-site hospital school.

Please note that where a child is, for medical reasons, currently only able to attend school for a limited number of hours per day, and is doing so, then a referral for out of school provision at Athena is not appropriate.

The Local Authority would not become involved in such arrangements unless it had reason to think that the education provided to the child was not suitable or, while otherwise suitable, was not full-time or for the number of hours the child could benefit from without

adversely affecting their health. This might be the case where a child can attend school but only intermittently.

REMOVING CHILDREN FROM A SCHOOL ROLL

The Education (Pupil Registration) Regulations 2006 state that a school can only remove a child who is unable to attend because of additional health needs where:

- a) Appropriate medical evidence certifies that the child is unlikely to return prior to reaching statutory school leaving age;
- b) Neither child nor parent have indicated the intention to continue to attend after reaching statutory school leaving age.

Removal from roll for health reason cannot happen unless one of the above apply – even where Blackpool Council has become responsible for a child’s education.

THE ROLE OF THE LOCAL AUTHORITY

Local Authorities must have regard to the statutory DFE guidance “Ensuring a Good Education for Children Who Cannot Attend School Because Of Health needs” (January 2013).

There is no specific point during any child’s illness when it becomes a local authority responsibility to secure the child’s full time education. Schools will provide for short-term absence due to illness (paragraph 14 of the above guidance).

Local Authorities must arrange suitable full time education (or as much education as the child’s health condition allows) for children of compulsory school age who, because of illness, would otherwise not receive suitable education.

They must:

- Make arrangements for education as soon as it is clear that the child will be away from school for 15 days or more, whether consecutive or cumulative. They should liaise with appropriate medical professionals to ensure minimal delay in arranging appropriate provision for the child (note the information about support at school on Page 1).
- 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.

- Address the needs of individual children in arranging provision. Hard and fast rules are inappropriate: they may limit the offer of education to children with a given condition and prevent their access to the right level of educational support that they are well enough to receive. Strict rules that limit the offer of education a child receives may also breach statutory requirements.

Where a child requires education whilst in hospital and the Council makes provision then we will charge the school or academy. This applies prior to and after the 15 school days referred to above.

They should not:

- Have processes or policies in place that prevent a child from getting the right type of provision and a good education.
- Withhold or reduce the provision, or type of provision, for a child because of how much it will cost (meeting needs and providing a good education must be the determining factors).
- Have policies based upon the percentage of time a child is able to attend school rather than whether the child is receiving a suitable education during attendance.
- Have lists of health conditions which dictate whether or not they will arrange education for children or inflexible policies which result in children going without suitable full-time education (or as much education as their health condition allows them to participate in).

The Director of Children's Services has delegated the role for the Local Authority's named officer responsible for the education of children with additional health to Ms V O'Farrell, Head teacher – Educational Diversity - vofarrell@eddiversity.blackpool.sch.uk

MEDICAL REFERRALS TO EDUCATIONAL DIVERSITY

Please e-mail referrals to Karen.turner@eddiversity.blackpool.sch.uk

- 1) We will only accept referrals for children who are permanently resident within Blackpool's administrative area.
- 2) Children must have a mainstream place in order to receive support (almost without exception). This includes new to area referrals and referrals for children previously deregistered for Elective Home Education (EHE). Where a child is to become single rolled at the short-term medical provision the Director for Children's Services must agree in advance.

- 3) For secondary EHE referrals (within 2 terms of deregistration) the child will re-register at the last Blackpool school, which the child attended (unless another school agrees exceptionally to accept a referral).

Where third parties are making referrals, they must ensure that the child's school or academy is aware prior to submission. This is especially important as even though the Council will offer agreed places at a discounted rate each establishment (or the third party referrer) will need to consider funding all agreed requests (see page 8).

- 4) Blackpool children deregistered for Elective Home Education (EHE) must re-access a school or academy place prior to an application for support at Athena.
- 5) Where home tuition is the most appropriate method of meeting the short-term education needs of a child, the school or academy must make the necessary arrangements. Should the school commission this provision at Educational Diversity, a charge of £75 per hour will apply.
- 6) Referrals should be submitted where it is clear that the child is unable to attend school for health reasons and will be absent for 15 school days or more (consecutive or cumulative). If agreed a discounted charge will apply – see page 9.
- 7) All requests for commissioned places (at reduced rates) must be on the Council's application form.
- 8) The referral form must be supported by the following evidence (as a minimum) in order to be considered:
 - Medical evidence to support: usually from a senior CAMHS or other medical practitioner;*
 - Early Health Assessment (EHA) form (Pre Social Care) - if open to Social Care Please ensure all relevant information is provided on the referral form;
 - Details of action already taken within school to address the pupil's needs and the impact (relevant to the DFE guidance "Ensuring a Good Education for Children Who Cannot Attend School Because Of Health Needs");
 - Print out of the child's attendance for current academic year.
 - A copy of the child's medical support plan and / or SEND support plan or EHCP.
- 8) The referral form must have parent / carer consent for submission and data sharing.

*Statutory guidance requires supporting medical evidence and specifically a referral from a Consultant. However, in order to avoid delays and the provision of appropriate support for children, Blackpool Council will accept information and consider recommendations from

senior medical practitioners (for example Senior CAMHS; Senior Paediatric or Senior Psychological practitioners or specialists).

The Panel may take other medical evidence and information into account (for example from a GP or School Nurse) where a child's wider circumstances and needs are of concern. In these circumstances, the Panel may agree exceptionally to an initial time limited placement.

This will be pending the provision of additional information from a senior medical practitioner and reconsideration by The Panel of the initial offer.

CONSIDERING REFERRALS FOR SHORT-TERM SUPPORT

A Panel will meet to consider referrals for statutory medical provision or alternative support (outreach) for children with medical conditions. Meetings will usually be monthly (but not normally held during the summer break).

If there are very few referrals then the Panel may not actually convene. Information exchange will occur and individual views and recommendations collated in order to reach decisions.

The first element of the process will be deciding if a referral is for statutory medical provision or alternative provision (out of school). If it is the latter, and support is agreed, then the agreed alternative provision funding arrangements will apply.

The Panel will consist of:

Victoria O'Farrell	Head Teacher – Educational Diversity Assistant Head Teacher – Educational Diversity
Mike Power	Lead Teacher – Educational Diversity
Gemma Hartley	SENCO – Educational Diversity
Julie Smith	CAMHS
Helen Beckett	School Nurse Team
Sharon Rotherham	School Nurse – Educational Diversity
Charlotte Baron	Head of Service, SEND, Blackpool Council
Maria Stewart	Principal Educational Psychologist & SEND Manager Blackpool Council
Paul Turner	Assistant Director, Education, Blackpool Council Blackpool Council
Jeremy Mannino	Head of School Standards, Safeguarding & Inclusion Blackpool Council
Paul Bainbridge	School Organisation & Admissions Manager Blackpool Council

(Other professionals may occasionally attend as reserves for the main panel or if involved with individual cases).

- The decision of the Panel is final and there is no appeal process. We will only reconsider referrals if a child's circumstances change. We may defer cases pending the provision of additional information.
- Referrals agreed by the panel will offer placements at a reduced rate (see page 9).
- If there is a split decision, the chair will recommend the final decision (this will usually be the Assistant Head teacher of Educational Diversity).
- Blackpool Council is the commissioner of places and must support any decision for the agreed financial processes to apply. If a placement proceeds without Council agreement, then the Council's reduced rates (see page 9) will not apply and full funding must come from another source (for example - school; academy, NHS or another local authority).
- If agreement is not possible then the Director of Children's Service (or designated senior officer of the Council) will make a decision.
- For agreed referrals, the type of support required (full admission; home tuition; support in school etc.) to be determined by Educational Diversity.
- All referrals will retain their mainstream places and be dual registered with their home school and Educational Diversity. (Subject to the provisions of The Education (Pupil Registration) Regulations 2006 – note Pages 2 & 3).
- Educational Diversity will notify parents or carers of the temporary nature of placements and intention to re-integrate to school.
- We will confirm the length of placement and intended re-integration date.
- After admission, Educational Diversity will review every child's circumstances. This will usually be around every 6 weeks. They will inform children, parents / carers and schools about medium or long-term plans for re-integration.
- The aim will be to return as many children as possible to their school place within 1 term or a maximum of 2 terms (note re-integration to School – Page 7).
- For children with significant needs longer-term placement may be agreed (there must be supporting evidence from a senior medical practitioner). Schools, academies or other referrers will need to agree ongoing funding. An extension of funding from the Council will require approval by the Director of Children's Service.

- Children, parents and carers will be involved in the planning of agreed hospital school or out of school medical placements. They will also be involved with re-integrations to mainstream schools and academies.

EMERGENCY / URGENT CASES

In the case of a referral for a child who is in crisis and / or where there are significant safeguarding concerns then the Head teacher of Educational Diversity may exceptionally decide to agree an immediate admission (or support). There must be liaison with Blackpool Council. This includes urgent medical cases. In addition, nominated officers of the Council may exceptionally use discretion to refer children to places already commissioned by the Council.

The Admissions Team must be informed within 1 school day and cases considered at the next meeting of the Panel. We may accept urgent referrals where children may require placement at Educational Diversity other than for medical reasons. If agreed any existing dual roll arrangement must not cease. In cases where a school / academy already funds a placement, this will continue where short-term medical support is agreed.

AFTER ADMISSION TO EDUCATIONAL DIVERSITY

The Educational Diversity document “Supporting Pupils with Medical Conditions” (September 2019) outlines aims, procedures, entitlements and expectations for children and parents.

RE-INTEGRATION TO SCHOOL

The aim is to return children to the school where they are on roll as quickly as possible. Placements should typically be for 1 term or exceptionally 2 terms.

The Council will fund agreed places at a reduced rate (see page 9). Educational Diversity advice is that 12 weeks is usually required to ensure that the agreed professional support is effective. **Schools and Academies should be aware when applying for short-term support for medical reasons that they will need to fund the placement.**

Educational Diversity will work with schools and academies to establish a re-integration plan for each child. There is an expectation that schools and academies will provide a representative to attend meetings to formulate re-integration plans and / or arrangements for their children.

The re-integration plan must consider the school's responsibility under the Equality Act 2010 to make any reasonable adjustments to provide suitable access to premises or provision for the child.

Schools must be aware that failure to meet a child's needs could amount to discrimination under Equality Act 2010. Where Blackpool Council feels that there may be discrimination they will refer this to the appropriate governing board or academy trust.

For any decision not to re-integrate a child outside of the provisions of this policy, Educational Diversity must provide a review of the child's circumstances. We will consider these cases at panel meetings.

Exceptionally, where longer term provision is ongoing for statutory medical reasons, The Director of Children's Services (or a designated senior officer of Blackpool Council) may review cases and make decisions about ongoing provision.

FUNDING OF THE EDUCATION OF CHILDREN WITH MEDICAL NEEDS

Blackpool Alternative Provision Rates 2023-24 (annual charges at a reduced rate)

Year group	Charging rates 2023-24
Years 0-6	£6,376
Years 7-9	£8,935
Years 10-11	£9,538

Statutory Medical Provision

Charges will apply from day 1 of the dual registration, calculated as a weekly proportion (1/52) of the Blackpool Alternative Provision Rates, as agreed by Schools Forum. We will charge by invoice or journal transferred to schools on a termly basis.

Alternative Provision

Where children are accessing Educational Diversity other than for medical support approved by the Panel, we will calculate charges as a weekly proportion (1/52) of the Blackpool Alternative Provision Rates, from day 1 of the dual registration.

Medical Provision – Single Roll

Pupils with medical needs who attend Educational Diversity will typically be dual registered with their home school / academy. In exceptional circumstances, a child with medical needs may not be able to return to their mainstream setting. Agreement of the Director of Children’s Services is required to allow a move to single roll at Educational Diversity (parents / carers must also agree). The home school will pay charges until the end of the financial year, based on the Blackpool Alternative Provision in line with the School Finance Regulations, which state that we may apply charges where a pupil leaves a school for reasons other than permanent exclusion and is receiving education funded by the Local Authority.

Referrals from Schools and Academies

Where a school or academy refer direct to Educational Diversity and respite support commences the referrer will be responsible for meeting the costs. The reduced rate offered via the Council’s referral process will not apply. Children must remain dual roll with a short-term plan to re-integrate to their “home” school.

Children admitted to hospital (Blackpool resident)

The primary responsibility of schools and academies is to meet the needs of children who are on their rolls. This means that they must consider strategies such as work packages, reduced timetables (temporary) and remote learning to maintain educational provision.

For children admitted to hospital the Blackpool school or academy where they are on roll (or other provider) should provide work. For longer hospital placements, if a tutor is required, the school or provider should make the necessary arrangements. The Council will assist if requested to do so (subject to a tutor being available) and the usual daily fee for a tutor provided by Educational Diversity will be re-charged.

Blackpool Council will monitor admissions to Victoria Hospital in liaison with their Play Team. This will ensure that the children concerned have provision in place and that schools are aware of the need to provide work.

Blackpool Council will inform Lancashire County Council about any children from their area who have been admitted to Victoria Hospital.

GENERAL DATA PROTECTION REGULATIONS (GDPR)

Blackpool Council will process the information provided in accordance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

For more information on how we process your data, please refer to our privacy notice – www.blackpool.gov.uk/privacy