

LEICESTERSHIRE COUNTY COUNCIL

CHILDREN AND FAMILY SERVICES

RECOUPMENT POLICY FOR CHILDREN WITH MEDICAL NEEDS

EFFECTIVE FROM 1 JANUARY 2019

TABLE OF CONTENTS

Introduction	3
Legal Context	3
Application of this Policy	4
What Does This Policy Propose?	4
When Does this Policy Apply From?	5
Objectives of This Policy	5
Details Of The Recoupment Arrangements	7
Support For Which The Council Will Not Charge	7
Statutory Guidance	8
Disputes	8
Further Advice	8

Introduction

1. This Policy explains the Local Authority's reasons and processes for the recoupment of costs from schools for children who, by reason of illness, are unable to attend school and who are supported by the Authority to receive education through an alternative provider.
2. This Policy is intended to operate in conjunction with the Framework agreement for the provision of Autism Outreach and Children with Medical Needs Support Services. The Council will commission all its services for children with medical needs through this framework to ensure a consistent and high quality educational provision for all young people.
3. The revised policy was shared with Schools' Forum on 24th September 2018. The forum noted the current position for CMN¹ provision. The Forum gave its approval, in principle, to the recovery from Leicestershire Schools of the costs of educational provision to children with medical needs, provided always that the support to those children has been provided by the Council.
4. The Schools Forum report and record of the meeting can be accessed at:
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1018&MId=5492&Ver=4>

Legal Context

5. This Policy arises from, and is consistent with, the requirements of Section 19 of the Education Act 1996 which requires that Local Authorities make arrangements for the provision of suitable education for children of compulsory school age who, because of illness, would otherwise not receive suitable education.
6. The Council is required to have regard² to guidance issued by the Secretary of State for Education under Section 19 of the Education Act 1996. The relevant Guidance is entitled "*Ensuring a good education for children who cannot attend school because of their health needs*". Materially, the Guidance states as follows:-

¹ Children with Medical Needs

² Section 19(4A) of the Education Act 1996

“21. In all cases, effective collaboration between all relevant services (LAs, CAMHS, NHS, schools and, where relevant, school nurses) is essential to delivering effective education for children with additional health needs. Service level agreements and/or multi-agency forums may aid this process.”

7. Further the Council also has a separate statutory duty³ to make arrangements to promote co-operation between the Council and bodies (*such as schools*) who exercise functions in relation to children with a view to improving the well-being of children in the authority’s area so far as relating to education, training and recreation.
8. Under equality legislation⁴ both the Council and Schools must not discriminate against people with disabilities in the way they provide education or afford access to it.
9. In accordance with applicable regulations⁵, this Policy was finalised and adopted following consultation with the Leicestershire Schools Forum⁶.

Application of this Policy

10. This Policy covers all publicly maintained schools including academies that require alternative education providers to be arranged by the Local Authority for children with medical needs.
11. Schools and academies may choose to make their own arrangements directly with education providers without the involvement and financial support of the Local Authority. In such circumstances, the Council will not then seek to recoup any monies which would otherwise be recoverable under the terms of this Policy.

What Does This Policy Propose?

12. This Policy proposes to recover the cost of any educational provision arranged on behalf of schools by the Local Authority whilst a child or young person is prevented from attending school due to any medical condition (*regardless of whether that inability to attend school is due to a physical or mental condition*).

³ Section 10 of the Children Act 2004

⁴ Section 85 Equality Act 2010

⁵ Article 10 of the Schools Forums (England) Regulations 2012

⁶ A body created pursuant to Section 47A of the Education Act 2002

13. The charges to be recovered by the LA will be levied from the first day of any provision arranged by the LA and will continue until the respective pupil returns to their usual education in the school.

When Does this Policy Apply From?

14. This policy will be applied from 1st January 2019 for all new and all existing referrals and contracts held by the Council.
15. The policy is intended to operate in conjunction with the Council's procedures for dealing with children with medical needs.

Policy Scope

16. The Policy covers recoupment arrangements for children and young people of statutory school age who receive education provision due to medical needs and unable to attend their normal educational setting.

Objectives of This Policy

17. The main purpose of this policy is to set out the arrangements in recovering the average per pupil funding for alternative provision currently commissioned by the Council for children with medical needs, as agreed through Schools Forum.
18. The recoupment policy forms part of a wider inclusive/local offer for young people with medical needs; that enables access to a tiered approach with the ethos of providing the right level of support whilst enabling reintegration back in to mainstream school when the child's health permits. This includes:
 19. Advice and support to schools to enable them to support children with medical needs in their current educational environment.
 20. The Council will work alongside the current SEIP⁷ Surgery provision to enable support to be accessed locally, specifically to support children with social, emotional and mental health needs.

⁷ Secondary Education Inclusion Partnership

21. High Needs Placement's arise where children are required to attend specialist medical educational placement as a result of their high level medical needs.
22. This Policy is intended to achieve the following objectives: - .
- a. To make arrangements for a fair and reasonable amount of available public resources to be allocated to the organisation which incurs costs associated with educational provision for children with medical needs. – *i.e. to ensure that funding follows the demand.*
 - b. To encourage schools and the Council to better work together to ensure good quality educational provision can be provided to children with medical needs.
 - c. To improve advice available to schools with a view to increasing the capacity of schools to help support children with medical needs in order to maintain the continuity of their education.
 - d. To provide better access to support for schools including services such as Mental Health Well-being Practitioners, Secondary Education Inclusion Partnerships, Health, etc.; understanding statutory requirements, duties and responsibilities.
 - e. To ensure that fewer children will experience long periods out of the school environment without the benefit of educational provision.
 - f. To make more effective use of available resources, the risk of 'double funding' will be reduced or eliminated.
 - g. To enable a more affordable and sustainable model of delivery able to meet any future increase in demand for provision.

- h. To align the practice of Leicestershire County Council with its neighbouring authorities in recouping pupil funding in order to manage the increased demand within the authority.

DETAILS OF THE RECOUPMENT ARRANGEMENTS

23. The method of recovery applies to a standard recoupment cost per day banded to primary and secondary schools, applicable from the first day of provision.

24. The recoupment cost will be set out at the beginning of each financial year based on the Leicestershire School funding formula.

25. For 2018/19 the rates to be applied for each day the pupil is out of school, and with effect from 1st January 2019 are: -

- Primary £16.90 per day;
- Key stage 3 £23.77 per day;
- Key stage 4 £26.99 per day

26. Schools will be invoiced in arrears on a termly basis.

27. The application of a standard recoupment cost to primary and secondary will ensure that no particular school is disadvantaged particularly where there might be a high cost placement, for example when commissioned by the NHS, or where a child may be out of school for an extended period.

28. The Council will review the recoupment cost on an annual basis but reserves the right to increase the recoupment where the costs to the Council have been increased before the next annual is scheduled.

Support for which the Council will not charge

29. It is not intended to recoup the cost of support offered directly by the Councils Advice Line or CMN practitioners.

30. Support can be accessed via the following link:

<https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/education-and-childcare/education-for-children-with-medical-needs>

Statutory Guidance

31. Ensuring a good education for children who cannot attend school because of health needs – Statutory Guidance for Local Authorities, January 2013 :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/269469/health_needs_guidance_-_revised_may_2013_final.pdf

32. Supporting pupils at school with medical conditions – Statutory guidance for governing bodies of maintained schools and proprietors of academies in England, December 2015.

<https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>

Disputes

33. In the event of any dispute or issue over the charges levied by the Council pursuant to the provisions of this policy, the relevant School or head teacher is requested to contact with the Inclusion Manager.

Further Advice

34. For further information regarding the application of this Policy please contact one of the following persons:

Alison Bradley Head of Service – Education, Quality and Inclusion

Email Alison.bradley@leics.gov.uk

Phone 0116 305 8825

David Atterbury Head of Service - Education Sufficiency

Email david.atterbury@leics.gov.uk

Phone 0116 30 57729

Helen Bakewell Inclusion Manager

Email helen.bakewell@leics.gov.uk

Phone 0116 305 8691

For support and advice for Children with Medical Needs please contact:

Medical Needs Co-ordinator

Email Medicalneeds@leics.gov.uk

Phone 0116 305 2071

Website

<https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-anddisability/education-and-childcare/education-for-children-with-medical-needs>