

Transfer of AWPU for reasons other than permanent exclusion

Report of the Director of Children and Young People's Futures

Recommendations:

Further to the report presented to SFG on 13 September 2023, DEF is asked to endorse:

- i) The transfer of 100% of AWPU and per pupil funding (e.g. Pupil Premium) for pupils who are removed from a mainstream school roll, for reasons other than permanent exclusion, and are receiving education funded by the local authority other than at a school (EOTAS).
- ii) The transfer of 80% of AWPU and per pupil funding for each term that the pupil is in alternative provision funded by the LA, while remaining dual registered with the main school.
- iii) Proposed changes to take effect from the beginning of the 2023-24 academic year.

1. Context

AWPU is the rate set to allocate basic entitlement funding for pre-16 pupils in mainstream schools. Basic entitlement is a compulsory factor which must be used in the funding formula. This is paid to all mainstream schools but can be reclaimed in certain circumstances. The purpose of this paper is to reconsider the LA reclaiming this funding for pupils where their education is provided for under section 19 of the Education Act, 'illness or otherwise'. The LA already reclaims AWPU plus per pupil funding for pupils who are permanently excluded.

Where the child remains on a school roll (dual-registered), 80% of AWPU and per-pupil funding will be reclaimed by the local authority to enable education provision to be sourced. This recognises that the school will continue to have statutory duties to perform for the pupil such as safeguarding, monitoring attendance and supporting students through the exam process, and provision of free school meals where appropriate (see below).

The main school should ensure that:

- They have a named contact for the parents/pupil
- The pupil remains part of their community
- They send newsletters home
- The pupil has the same opportunities that are as their peers
- Offered access to school work or if requested by parents/pupil
- The pupil and parents are offered to come into the school periodically either inside of outside of school hours.
- They maintain regular contact with the alternative provision
- They share important information with the alternative provision – particularly in relation to safeguarding

The funding will follow the child back as they are reintegrated back into school.

2. EOTAS

There are increasing numbers of children and young people for which an education package out of school is being required. This results in the Statutory SEND team not only securing the EHCP under the SEND legislation but also ensuring they are in full time education under the Education Act legislation. The latter is a wider council responsibility under Section 19 of the Education Act. This places a duty on LAs to make suitable alternative education for children of statutory school age who cannot attend school because of illness, exclusion or any other reason.

If it can be shown that it is not reasonably practicable for the child to attend, then the LA's duty to provide suitable alternative education arises. In situations like this it is important that the parent makes every effort to work with the school and LA to facilitate their child's attendance at school.

Educated other than at school (EOTAS) is a term used to describe this package of education. This is not a choice for parents to make but is an arrangement made by the local authority when a school place is not possible.

In accordance with the Schools' revenue funding guidance, it proposed that Devon County Council seeks the transfer of AWPU for those learners who are removed from school rolls to alternative arrangements as described above.

Schools' revenue funding operational guidance 2023 to 2024 states:

Redetermination of budgets where pupils have been excluded

Where pupils are excluded, funding should flow in-year from the school that has excluded the pupil to the provision that takes responsibility for the pupil. If a school subsequently admits a pupil who has been permanently excluded during that financial year, it should then receive additional funding.

The provisions here also apply to pupils who leave a mainstream school for reasons other than permanent exclusion and are receiving education funded by the local authority other than at a school.

The provisions also act independently of whether a particular pupil has been on the census in the first place, and whether the school has received funding for them.

3. Medical Provision

Devon County Council is mindful of the increase in the number of Section 19 referrals being made, particularly for KS3/4 students. DCC commissions provision with two providers: Torlands Academy part of the Wave Multi Academy Trust [Home - Wave MAT](#) and Devon Hospitals Short Stay School [Devon Hospitals Short Stay School - Home \(devonhospitalschool.org.uk\)](#) to provide alternative provision in line with its statutory duty placed on the LA by 'Ensuring a good education for children who cannot attend schools because of health needs – Statutory guidance for local authorities. (January 2013) and [Working together to improve school attendance - GOV.UK \(www.gov.uk\)](#) [p18] (September 2022)

Whilst Torlands and DHSSS are both full, the LA commissions packages with a range of other alternative providers. The proportion AWPU and per-pupil funding recovered from schools as proposed could be used to increase capacity within the Education Wellbeing Team and support within the Medical Wellbeing Team for schools and settings.

Schools have indicated the value of these teams in supporting children back to school.

5. Other Authorities

There are currently an increasing number of authorities which seek to support children by ensuring that per pupil funding is withdrawn from the registered school to support the placement and current educational offer. These include Northamptonshire, Oxfordshire, Dudley and more locally Torbay.

We understand that there are others who have these arrangements in place to ensure that support underwrites the services supporting the student and reduces the demand on the High Needs Block.

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