Hospital Schools - Questions and Answers
Conversion to special academies or alternative provision academies (June 2013)
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Conversion to academy status

What are Hospital schools?

The legal definition of hospital education is '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 1196 Act (exceptional provision of education) where the child is being provided with such education by reason of a decision made by a medical practitioner'.

There is no 'hospital school' category in law. Legally speaking they are set up either as special schools or Pupil Referral Units (PRUs) which may offer a mix of 'hospital education' and other educational provision.

Hospital education is different from education delivered at stand-alone special schools catering for children with statements of special educational needs (SEN) or PRUs that only deliver provision for permanently excluded pupils. Hospital education may be delivered and operate over multiple sites: in general or district hospitals with a rapid turnover of patients; in specialist hospitals serving chronically ill or long-stay patients, in established PRUs or special schools, and in some cases at home, for children who are not able to attend mainstream settings for medical reasons.

Can a hospital school convert to academy status?

Yes. Hospital schools designated as special schools can convert to special academy status and PRUs delivering hospital education can convert to alternative provision (AP) academy status if they meet the DfE’s eligibility criteria, i.e. hospital schools that are judged to be outstanding or are performing well are eligible to apply to convert to academy status.

For PRUs looking to convert to AP academy status, please go to: http://www.education.gov.uk/schools/leadership/typesofschools/academies/pru

For special schools looking to convert to special academy status, please go to: http://www.education.gov.uk/schools/leadership/typesofschools/academies/special

1 The School and Early Years Finance (England) Regulations 2012
2 Under Section 19(1) of the Education Act 1196, as amended by Section 3 of the Children, Schools and Families Act 2010, local authorities are responsible for arranging suitable full time education for permanently excluded pupils, and for other pupils who – because of illness of other reasons - would not receive suitable education without such provision.
3 Please note that some PRUs may offer home education to pupils after a hospital stay but this does not necessarily mean that it is hospital education.
Admissions

Do AP and special academies have to admit pupils who have a statement of SEN?

An AP academy may be named in a statement of SEN if it will provide the most suitable education for that pupil, but in general the DfE’s expectation is that this should be short term. In the case of pupils with a statement that can no longer attend the school at which they are registered, the AP academy may provide education while the statement is amended and resolved.

While special academies generally cater for statemented pupils, hospital schools which become special academies will continue to be able to admit pupils without a statement of SEN. This will be set out in the Admissions Annex of their Funding Agreement.

Funding

How would hospital schools be funded if they became AP or special academies?

Funding is for hospital education, not for hospital schools which do not exist in law. Such funding reflects the type of places being offered and the method of referral. Pupils can be referred by a number of agencies e.g. NHS doctors, Child and Adolescent Mental Health Service (CAMHS), social workers and other medical practitioners.

The majority of pupils will return to their ‘home’ school following a short or medium term placement. However, some will not leave and will fulfil their education there.

Funding for the full cost of hospital education places in AP or special academies will be provided by the EFA. The basis of the funding per place that institutions will receive will be that received for those places in 2012-13, with the addition of an education service grant (ESG) calculated on the number and the type of places offered and an insurance grant. The academy may also receive funding from the local authority for any commissioned services that it delivered on behalf of the authority (e.g. home tuition) via a service level agreement. Hospital schools will continue to be funded in the same way for 2013-14 and 2014-15. A new way of funding hospital education places in maintained hospital schools, maintained special schools, PRUs, special academies and AP academies is being developed for introduction in the longer term.

The level of funding depends, as with maintained hospital schools, on the type of referral and the agreed number of places to be funded each year. The Education Funding Agency (EFA) would calculate funding based on the numbers agreed with the local authority in which the AP or special academy is located.
What about a school that catered purely for medically referred pupils?

The level of funding that a special or AP academy that only offered hospital education receives would be equivalent to that received by local authority maintained provision. Its budget will be made up of a mixture of place-led funding and funding for commissioned services (such as home tuition catering for medically referred pupils).

Place led funding

Place led funding is paid at different rates depending on whether pupils have been admitted by way of a referral from a medical practitioner (‘hospital education’) , or by an educational referral (AP and SEN places).

- A hospital education place (hospital provision) would be funded at the full cost of the provision level, either through the commissioning LAs (including the home LA) or by the EFA straight to the academy.

- For special academies/special schools an SEN place would be funded by the EFA at a basic rate of £10k per place by the EFA plus a ‘top-up’ to be agreed with and paid by the commissioning LA. For AP academies/PRUs, SEN places will only be funded at £10k if the LA has designated that the PRU has an SEN unit (provision that the LA has reserved specifically for pupils with SEN of a particular type).

- An AP place would be funded by the EFA at a basic rate of £8k per place plus a ‘top-up’ to be agreed with and paid by commissioners. The commissioners in this case could be LAs, academies or maintained schools.

- A post-16 high needs place, which has been identified as such by the EFA and which is not a hospital education or AP place, receives funding at the rate determined by the new national funding formula, plus £6k. In 2013-14 this amounts to just over £11k in most cases.

The categorisation and number of places will determine the funding of a maintained hospital school (PRU or special school), an AP academy or a special academy. Some hospital schools only deliver hospital education while others will have mixed provision involving a combination of these place types. It is very important therefore for all hospital schools to agree with their LA the place numbers, and with commissioning LAs and schools appropriate top-up funding to meet their SEN and AP costs, and that there are sufficient pupils to fill the agreed place numbers to ensure that the funding calculations are accurate.
Model Documentation

What documents do I need to use if my hospital school is converting to academy status?

The model documents for hospital schools will depend on whether the hospital school is a PRU or a designated special school. Your named contact in the Department will advise you on any changes that need to be made for your school once you have started the process of conversion. Some sections will need to be adapted to reflect the nature of the service that hospital schools deliver.

The model documents for PRUs looking to convert to AP academy can be found here:

http://www.education.gov.uk/schools/leadership/typesofschools/academies/pru/b00205169/supporting-documents/ap-academies-docs

The model documents for designated special schools looking to convert to special academy can be found here:

http://www.education.gov.uk/schools/leadership/typesofschools/academies/special/steps/b00205160/supporting-documents/specialacaddocs

Alternatively we may have to provide you with model documents tailored to your school’s individual circumstances. Your Project Lead will advise you as appropriate.

Land and Buildings

How is land transfer managed for hospital schools?

When a school becomes an academy, the land is most commonly transferred to the academy Trust via a lease from the local authority as part of the conversion process. However, many hospital schools operate over multiple sites, many of which will have joint or mixed ownership, meaning the local authority may not be the freeholder. Therefore making land available to the academy may involve more complex arrangements than for schools which operate on a single site.

These arrangements may involve a lease arrangement from either the authority or a private landlord, a service level agreement, or other arrangement depending on the type of occupation on each site and how the hospital education is delivered there.

Hospital schools converting to academy status should discuss land arrangements with their DfE named contact as soon as possible, to agree how this will be managed.
What funding is available to support the land transfer of PRUs or designated special schools that wish to convert?

PRUs that are converting will be able to apply for a conversion grant which will be available to use towards the costs (including legal costs) associated with conversion.

We realise that, as some PRUs operate from multiple sites, there will be a corresponding impact on the amount of legal support required to get through the conversion process. So, on that basis, conversion grants will be provided to converting PRUs as follows:

- PRUs with 1 site - £25k
- PRUs with 2 sites - £30k
- PRUs with 3-4 sites - £35k
- PRUs with 5 or more sites - £45k

When referring to sites, the Department means those sites where a long-term lease will be entered into with the owner of the property. By long-term lease we mean a lease based on the model DfE 125 year lease.

A PRU operating from multiple rented sites will always receive a minimum £25,000 grant. However please note that, as site arrangements for PRUs are very different to those of mainstream schools, every application will be considered on its merits. If a PRU operates from multiple rented sites and intends to continue those rental arrangements, the specified grants above will not necessarily apply as the amount of legal work required to deal with those rental arrangements will not be of the same level as when long-term leases are entered into. For example, a rental agreement that simply requires novation would not qualify as a site when the Department is considering the amount of conversion support grant to be awarded.

Further details of funding available to support PRUs that wish to convert to AP academy status are available in the Funding Q&A document here: https://www.education.gov.uk/schools/leadership/typesofschools/academies/pru/faqs/a00208673/pru-faq-mythbuster

Further information for special schools that wish to convert to academy status can be found at:

http://www.education.gov.uk/schools/leadership/typesofschools/academies/special/steps/b00205160/supporting-documents/specialacaddocs