**Suffolk County Council Logo**

# **Policy for The Local Authority Recoupment of Education Funding after the Permanent Exclusion of a Pupil from Mainstream School**

## **Introduction and scope**

1. This policy sets out Suffolk County Council’s process for the transfer of

funding from a school to a receiving school or the Local Authority following

the first school deciding to permanently exclude a pupil.

1. In this new local policy, that will apply to all education settings, the core

principle will be that funding ‘follows the pupil’ where a child or young

person has been permanently excluded from either a maintained school or

an academy or free school, either mainstream or specialist. This is to

enable the receiving school to be adequately funded to provide an

education for these pupils or the LA to do so if a child cannot move to

another school immediately.

1. This local policy aligns to the School and Early Years Finance (England)

Regulations 2018 and will be universally applied across all school settings

in Suffolk, both mainstream and specialist. A separate policy will be

developed for alternative provision due to the different nature of their

funding at this time.

1. The School and Early Years Finance (England) Regulations 2018 indicates

that a Local Authority can only apply the guidelines for recoupment to

maintained schools in their area, unless the LA agrees a local policy for

recoupment that can then apply to all schools in the area, including

academies and free schools. This is in line with the national guidance

which indicates that a “local authority may ask an academy trust to enter

into an arrangement for the transfer of funding for a pupil who has been

permanently excluded, on the same basis as if the academy were a

maintained school.” This Suffolk policy has been agreed with the Schools’

Forum and the LA will write to each academy and free school to

confirm their agreement.

1. This policy sets out the locally agreed arrangements between the LA and

all schools in Suffolk to ensure a consistent, equitable and fair approach

for all mainstream and specialist settings. Therefore, this policy will apply

to the following types of primary and secondary mainstream and specialist

school:

* Local Authority maintained schools
* Academies including Free Schools

## **Formula for the transfer of funding**

1. From the 1 September 2020 the amount of recoupment requested from

an excluding school will either be the amount of funding ‘attributable to a

pupil of the same age and personal circumstances’ as per the 2018

regulations **or** the sum of £2,000 + pro-rata AWPU (whichever is the

greater). This approach will ensure that if a pupil is excluded near the end

of the funding year the receiving school or LA will still have sufficient

funding to secure adequate education for the child in question.

1. The regulations for schools also apply to academies. It states that adjustments should relate to the LA financial year but that this can be changed to the academy financial year, by local agreement. In summary, the effects of changing from the LA financial year to the academy financial year are:

* Any pupils that are permanently excluded in the summer term would generate a claw-back to the end of that term only, instead of a further 30 weeks to the end of the Authority’s financial year.
* By contrast, pupils excluded in the autumn and spring terms would generate a further claw-back for the following summer term (i.e. 22 weeks) to the end of the academy’s financial year.

The LA proposes to use an academic year calculation for academies as the adjustments would more closely align with the basis on which academies are funded.

1. In calculating the funding attributable to a pupil of the same age and

personal circumstances the following formula will be used:

(A x (B/52)) + C

**Where A** is the amount of funding that would be attributable to a

*pupil of the same age and personal circumstances* as the pupil in

question at primary or secondary schools maintained by the

authority for the full funding period.

**And B** is either:

(i) the number of complete weeks remaining in the funding

period calculated from the relevant date,

or

(ii) where the permanent exclusion takes effect on or after 1

April in a school year at the end of which pupils of the same

age, or age group, as the pupil in question normally leave

that school before being admitted to another school with a

different pupil age range, the number of complete weeks

remaining in that school year calculated from the relevant

date; hence the divide by 52.

**And C** is the £4,000 financial adjustment order if the governing body

still refuses to take a pupil back after an independent review panel

quashed the permanent exclusion and advised reinstatement.

[A full explanation of this formula can be found under the legislation government website.](https://www.legislation.gov.uk/uksi/2018/10/regulation/27/made)

1. In accordance with national guidance, the Local Authority will include the

following factors when calculating the value for **A:**

**For mainstream schools:**

* AWPU
* Deprivation funding including Universal Free School Meals (based on a % of total school budget)
* Prior Lower Attainment funding (based on a % of total school budget)
* High Needs Top Up Funding

**For special schools:**

* Place Funding amount (standard amount dependant on Key Stage)
* High Needs Top Up Funding

1. The calculation of the remaining AWPU and other pupil related factors will

be undertaken in accordance with the funding year relevant to the school

in question and will therefore take account of the differing financial years

for academies and maintained schools.

## **The Recoupment Process**

1. The Headteacher or Principal of the school must immediately notify the

Local Authority of the permanent exclusion of a pupil (including where a

fixed-period exclusion is followed by a decision to permanently exclude the

pupil) in accordance with the statutory guidance for those with legal

responsibilities in relation to exclusion. Please see this link: [Exclusion from maintained schools, academies and pupil referral units in England (2017)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921405/20170831_Exclusion_Stat_guidance_Web_version.pdf)

1. Once the Local Authority has been notified of the permanent exclusion it

will calculate the value of the sum for recoupment and notify the setting by

letter of the full recoupment amount with an attached invoice detailing the

breakdown of costs.

1. Payment will be expected within 21 days as stated within Suffolk County

Council’s terms and conditions for outstanding debts.

1. Once funding is received this will be transferred to the receiving school for

the pupil in question. Funding can only be transferred to a receiving school if

it is recouped from the excluding school, if an academy has not adopted this policy then funding for the receiving school will not be available.