

PERMANENT EXCLUSIONS

Purpose of the Report

1. To update Schools' Forum on permanent exclusions during 2018/19 financial year. The following arrangements apply to primary schools in Wiltshire and to any secondary schools who have not signed up to the Alternative Provision service level agreement. Wiltshire does not have any registered pupil referral units.

Main Considerations

2. The local authority has a statutory duty in overseeing the financial readjustment / payment wherever a pupil is permanently excluded.
3. The local authority cannot require a maintained school or academy to make any additional payments following a permanent exclusion, other than the budget share deductions set out in regulations, or the payments which an academy has to make under its funding agreement.
4. The local authority will be responsible for adjusting the budget share for maintained schools and PRUs with delegated budgets if a pupil is permanently excluded, so funding follows the pupil. The process and requirements are set out in the School and Early Years Finance (England) Regulations, issued on an annual basis.
5. 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. The academy trust may be obliged under its funding agreement to comply with such a request.
6. It is proposed that all schools are invoiced for the financial readjustment where a pupil is not transferring directly to another school i.e.: receiving alternative tuition through the local authority. Any school receiving a pupil following an exclusion can invoice the excluding school directly. Where a school accepts a child who has had a period of alternative tuition, the school will invoice the local authority.
7. If during the course of the financial year a pupil is excluded from a maintained school covered by the scheme, the school's budget share for that year will be reduced in accordance with the School and Early Years Finance (England) Regulations 2017.
8. If during the course of the financial year a school admits a pupil who has been permanently excluded in that year from a school maintained by a Local Education Authority, the authority will allocate an amount for the rest of that financial year in accordance with the School and Early Years Finance (England) Regulations 2017.

9. During 2018/19 to date, there have been eight permanent exclusions which the local authority proposes to make financial adjustment for.

Pupils	Arrangements
1	Swindon Pupil accessing Alternative Provision through Swindon
1	Virtual School
1	Specialist Placement
4	EOTAS Packages
1	New Primary School
8	

Proposal

10. It is proposed that Schools Forum note guidance outlined in this report and the mechanism outlined in the report and appendix together with the local authority actions planned in this financial year and in future financial years to follow the DfE guidance.

11. Schools Forum are asked to adopt the updated local authority protocol. A copy of the protocol is attached at Appendix 2.

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Appendix 1

The exclusion calculation as advised by the Department for Education

The exclusion calculation is as follows:-

Where a pupil is permanently excluded from a maintained school (other than a special school, a pupil referral unit, or a place which the authority has reserved for children with special educational needs), the excluding schools funding is reduced as follows:-

$$A \times (B/52 \text{ weeks}) + C =$$

Where:

a) A is the amount 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. Where pupil premium is payable this is also included; and

b) 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 1st 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 age range, the number of complete weeks remaining in that school years calculated from the relevant date; and

c) C is the amount of the adjustment made to the school's budget share pursuant to a financial adjustment order.

Where a permanently excluded pupil is admitted at another maintained school (other than a special school, a pupil referral unit, or a place which the authority has reserved for children with special educational needs) the admitting schools funding is increased by an amount calculated as follows:-

$$D \times (E/F) = \text{£}$$

Where:

(i) D is the amount by which the authority reduced the budget share of the excluding school, or would have reduced the budget share had that school been maintained by the authority. Where pupil is payable this is also included;

(ii) E is the number of complete weeks remaining in the funding period during which the pupil is a registered pupil at the admitting school; and

(iii) F is the number of complete weeks remaining in the funding period calculated from the relevant date.

Where a permanently excluded pupil is subsequently reinstated by the governing body, the school budget must increase by an amount which is no less than:

$$G \times (H/I) = \text{£}$$

Where:

(a) G is the amount by which the authority reduced the budget share of the excluding school;

(b) H is the number of complete weeks remaining in the funding period during which the pupil is reinstated at the school; and

(c) I is the number of complete weeks remaining in the funding period calculated from the relevant date.