

# Money Following Excluded Pupils (MFEP) Protocol

## 1. Interpretation

In this Protocol:

'the LA' means Wiltshire Council acting in its capacity as local authority;

'maintained school' means a community, foundation, voluntary-controlled ('VC'), voluntary-aided ('VA'), or trust school which is maintained by the LA, but not a special school.

'academy school' means an academy or free school but not a special school or alternative provision academy.

'MFEP' means 'Money Following Excluded Pupils' and relates to the charges or payments made under the School and Early Years Finance (England) Regulations 2015 in relation to pupils permanently excluded from a school.

A 'child in care' is also referred to as a 'looked after child' and is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

'AWPU' is the Average Weighted Pupil Unit – the amount of funding per pupil per financial year, as agreed by Schools Forum.

'Schools Forum' is the body which is made up of representatives from schools and academies, with some representation from other non-school organisations that acts, among other things, in a consultative role for changes to the local funding formula.

The 'relevant date' of a permanent exclusion is six days after the pupil is excluded from the school, when the LA becomes responsible for the pupil's education.

## 2. Background and principles

**2.1.** This Protocol sets out the MFEP arrangements which will apply to all maintained and academy schools in Wiltshire.

**2.2.** The School and Early Years Finance (England) Regulations 2015 made under section 47 of the School Standards and Framework Act 1998 state that where a child is permanently excluded from a maintained school the LA must make an adjustment (deduction) to an excluding school's budget share. Equally, where a permanently excluded pupil is admitted to a new school, the LA must make an adjustment (addition) to the receiving school's budget share.

**2.3.** Academy schools' funding agreements set out that if asked to by an LA, the academy trust must enter into an agreement with the LA that has the effect that the arrangements for payments will be the same as if the academy were a maintained school, under the regulations made under section 47 of the School Standards and Framework Act 1998.

**2.4.** The purpose of the funding adjustments is to ensure that there is funding available to support with the cost of the child's ongoing education.

## 3. Charging arrangements

**3.1.** Wiltshire maintained schools and academies will be charged for the relevant AWPU when permanently excluding a pupil. The charge will be a reclaim of funding that has been or is due to be allocated for the pupil and will be used to contribute to the cost of the pupil's ongoing education.

**3.2.** The MFEP charge will differ according to the point in the year that the pupil is excluded. The funding formula is calculated according to lagged pupil numbers and data (from the preceding October school census). Therefore, if a pupil is excluded before the October census date, the school will receive no further formula funding for the pupil beyond the end of the current financial year. However, for a pupil excluded after the October census date the school will receive funding for the whole of the following financial year. The exclusion charges, therefore, include funding for the relevant period of both years (the 'funding period'). All references within the Regulations regarding the amount to reduce by refer to the 'funding period' and not the financial year.

**3.3.** In the case of permanent exclusions from academies between the October census and 31 March, the Dedicated Schools Grant (DSG) is reduced by the Education Funding Agency (EFA) for the following financial year. This is because the calculated budget for academy recoupment includes all pupils at the preceding October census, regardless of whether any were subsequently excluded by the academy.

**3.4.** The regulations stipulate that academies are to be treated as for maintained schools regardless of their different financial year or that actual pupil numbers can be used instead of lagged pupil numbers in school budget calculations in certain circumstances. The basis on which the EFA funds an individual academy will not, therefore, be taken into account in the calculation of exclusion charges. If the academy did not restore funding through the exclusion charge, all DSG funding to support the education of the excluded pupil in the following financial year would be lost.

### **3.5. Funding reclaims:**

#### **For a pupil excluded in the autumn term (before the October census date)**

Funding will be reclaimed pro-rata based on the number of full weeks of the financial year (1 April – 31 March) remaining after the relevant date of the exclusion.

#### **For a pupil excluded in the autumn or spring term (after the October census date but before 31 March)**

Funding will be reclaimed pro-rata based on the number of full weeks of the financial year (1 April – 31 March) remaining after the relevant date of the exclusion.

In addition, a full year amount will be charged for the following financial year to reflect funding that the pupil attracts as a result of having been included on the October census. However, if the pupil is in year 11, funding relating to the next financial year will be taken to the end of the academic year (31 August).

#### **For a pupil excluded in the summer term (after 31 March)**

Funding will be reclaimed pro-rata based on the number of full weeks of the financial year (1 April – 31 March) remaining after the relevant date of the exclusion.

However, if the pupil is in year 11, funding will be taken to the end of the academic year (31 August).

**3.6.** The funding rates reclaimed will be the AWPU values agreed with Schools Forum for the relevant financial year.

**3.7.** The LA financial year is used as the basis for calculating the amount of funding to be reclaimed because this is the period on which school budgets are calculated and is also the basis on which the Education Funding Agency (EFA) recoup Dedicated Schools Grant from the LA to pass on to academies. The LA does not take into account how an academy's individual funding agreement works. If an academy has concerns on how permanent exclusion reclaims impact on their budgets, this should be discussed with the EFA and/or the Secretary of State.

**3.8.** Permanent exclusions of **children in care** will be rare and alternatives will be sought where possible. Where a permanent exclusion of a child in care is subsequently rescinded by a school or

academy following an alternative placement being found or the LA commissions alternative provision in order to avoid permanent exclusion of a child in care, the school or academy will be charged the funding in the same way as if the permanent exclusion had been upheld.

**3.9.** Permanent exclusions of children with a **Statement of Special Educational Need or an Education, Health and Care Plan** will be dealt with in the same way as all other pupils. However, where the LA commissions alternative provision in order to avoid permanent exclusion of a child with a Statement or Plan, the school or academy will be charged the funding in the same way as if the permanent exclusion had been recorded.

**3.10.** Maintained schools will be charged via a budget adjustment at the end of the relevant financial year. Notification and details of the adjustments to be made will be notified in a letter to the school following the confirmation that the permanent exclusion has been upheld. Schools may arrange to update their Local Accounting System immediately.

**3.11.** Academies will receive notification and details of the amount due following the confirmation that the permanent exclusion has been upheld and this will be followed by an invoice.

**4. Payment arrangements – Fair Access placements 4.1.** The regulations allow for a similar system of payments to be made to schools receiving permanently excluded pupils. Such placements will be made through the Fair Access Protocol and will apply to pupils that have been permanently excluded from a Wiltshire school.

**4.2.** The payments outlined in 4.3 will only be arranged when the pupil has been on roll for more than 12 school weeks.

**4.3. Funding additions:**

**For a permanently excluded pupil placed at a new school through the Fair Access Protocol in the autumn term (before the October census date)**

Funding will be allocated pro-rata based on the number of full weeks of the financial year (1 April – 31 March) remaining after the date that the pupil goes on roll at the new school.

**For a permanently excluded pupil placed at a new school through the Fair Access Protocol in the autumn or spring term (after the October census date)**

Funding will be allocated pro-rata based on the number of full weeks of the financial year (1 April – 31 March) remaining after the date that the pupil goes on roll at the new school.

In addition, a full year amount will be allocated for the following financial year to reflect that the pupil was not included on the October census, except if the pupil will then be in year 11 in which case the amount will be calculated up to 31 August.

**For a permanently excluded pupil placed at a new school through the Fair Access Protocol in the summer term (after 31 March)**

Funding will be allocated pro-rata based on the number of full weeks of the financial year (1 April – 31 March) remaining after the date that the pupil goes on roll at the new school.

However, if the pupil is in year 11, funding will be allocated to the end of the academic year (31 August).

**4.4.** Maintained schools will be allocated the relevant funds via a budget adjustment at the end of the relevant financial year. Notification and details of the adjustments to be made will be notified in a letter to the school following the confirmation that the pupil has been on roll for more than 12 school weeks from the date that the pupil went on roll. Schools may arrange to update their Local Accounting System immediately.

4.5. Academies will receive notification and details of the amount to be allocated following the confirmation that the pupil has been on roll for more than 12 school weeks from the date that the pupil went on roll and this will be followed by the payment.

#### 5. References

The Schools and Early Years Finance (England) Regulations 2015 (para. 23)

<http://www.legislation.gov.uk/ukxi/2015/2033/regulation/23/made>

Section 2.20 of the Academy and Free School: Master Funding Agreement

[www.gov.uk/government/publications/academy-and-free-school-multi-model-master-funding-agreement](http://www.gov.uk/government/publications/academy-and-free-school-multi-model-master-funding-agreement)

Protocol Drafted 20/03/19  
for  
Schools Forum 28/03/19