# **Funding Arrangements for Permanently Excluded Pupils**

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| Report title: | Permanently Excluded Pupils Funding Arrangements |
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## Purpose of Report

Where a pupil is permanently excluded from a school maintained by the Council (other than a special school, pupil referral unit or from a place which the authority have reserved for children with special educational needs) the Council must re-determine the excluding school’s budget share in accordance with the Statutory Framework. Academies are covered by the same policy once a formal agreement with the Council is entered into, as per their Funding Agreement.

This report regularises the arrangements for making funding adjustments for permanently excluded pupils for maintained schools and academies, from the 2024-25 financial year.

## Recommended Actions for School Forum

The Schools Forum is asked to:

i) Agree to the arrangements for making funding adjustments for permanently excluded pupils from maintained schools and academies; and

ii) Note that, following the agreement, the LA will invite each academy and free schools to enter into an Exclusion Agreement.

## Statutory Framework

The statutory framework for maintained schools is set by Section 47 of [The School Standards and Framework Act 1998](https://www.legislation.gov.uk/ukpga/1998/31/section/47) (the "SSFA") and Regulation 37 of [The School and Early Years Finance (England) Regulations 2023](https://www.legislation.gov.uk/uksi/2023/59/part/3/chapter/2/made) (the Regulations"), which require a Local Authority (LA) to make an adjustment to the delegated budget for a maintained mainstream school where a pupil is permanently excluded from that school and moves to another maintained school.

The Regulations provide the relevant statutory formula which determines the amount by which the delegated budget is adjusted.  The principle is that that the pupil's relevant funding, or more precisely a balance of the funding for the remaining financial year, follows the pupil.

The statutory framework for academies is set by their [funding agreement](https://www.gov.uk/government/publications/academy-and-free-school-funding-agreements) which provides that mainstream academies and special academies which admit pupils without statements of special educational needs must, if asked by a LA, enter into an agreement (the "Exclusion Agreement") which has the effect that, where:

* the academy admits a pupil permanently excluded from a maintained school or from an academy with whom the local authority has a similar agreement; or
* the academy permanently excludes a pupil;

the arrangements for payment will be the same as if the academy were a maintained school under the Regulations. That is, the budget for that academy will be adjusted so the balance of funding follows the permanently excluded pupil. The amount by which the budget is adjusted should accordingly follow the statutory formula provided under the Regulations.

Part 13 of the [Suspension and permanent exclusion guidance September 2023](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf) sets out the LA’s role in overseeing the financial readjustment and payment for maintained schools and academies.

The above applies to Southwark resident pupils and for non-resident pupils, the pupil's ‘home authority’ is responsible for arranging suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.

The [Education Act 1996](https://www.legislation.gov.uk/ukpga/1996/56/section/494/england), section 494 provides for amounts to be transferred where a pupil who has been permanently excluded from a school maintained by one LA receives education in a school maintained by another LA or pursuant to another LA’s duty to provide education otherwise than at school. For the purposes of the Education Act 1996, a maintained school includes a Pupil Referral Unit (PRU).

[The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999](https://www.legislation.gov.uk/uksi/1999/495/regulation/2/made) sets out the method of determining the amount of the payments that are to be made following such an exclusion.

The ‘old LA’ will pay the ‘new LA’ the amount determined within three months of the relevant date and it is then for the new LA to pass on that funding to the admitting school.

## Key Issues for Consideration

Currently, Southwark Council does not re-determine budget shares for either maintained schools or academies, despite the activity regarding permanent exclusions, as detailed in the table below. This is not in compliance with the Regulations.

| **Permanent exclusions from Southwark Schools** | **Academic Year** | **Academic Year** | **Academic Year** | **Academic Year** | **Academic Year** |
| --- | --- | --- | --- | --- | --- |
|  | **2018/19** | **2019/20** | **2020/21** | **2021/22** | **2022/23** |
| Total | 36 | 10 | 13 | 5 | 27 |
| Special | 0 | 0 | 0 | 0 | 0 |
| Primary | 0 | 0 | 0 | 0 | 1 |
| Secondary | 36 | 10 | 13 | 5 | 26 |

Had these arrangements been in place, funding could have been used to help with the cost of making alternative provision for excluded pupils thus offsetting the expenditure incurred from the High Needs Block. Therefore, the arrangements for making funding adjustments for permanently excluded pupils must be regularised, in accordance with the Statutory Framework.

The Regulations indicate that a LA can only apply the permanent exclusion guidelines for a budget redetermination 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 “LA 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.”

A (draft) policy for the recoupment of funding following the permanent exclusion of a pupil from a Southwark school and the disbursement of the funding withdrawn is attached at Appendix A.

This policy sets out the locally agreed arrangements between the LA and all schools in Southwark to ensure a consistent, equitable and fair approach for all mainstream and specialist settings. Therefore, this policy will apply to the following types of schools

* Local Authority maintained mainstream schools
* Academies (including Free Schools) mainstream and special which admit pupils without statements of special educational needs

In implementing that policy, Childrens’ Services will be responsible for asking any relevant Academy to enter into an agreement that the arrangements for payment will be the same as if the Academy were a maintained school, under the Regulations. Academies are obliged (by their funding agreement) to enter into an Exclusion Agreement if invited to do so by the LA in full compliance with the Regulations.

It will be the responsibility of Childrens’ Services to calculate the appropriate charge for the excluding schools (both maintained and academies), in accordance with the statutory formula, invoice the individual school (both maintained and academies) for timely payment and determine the arrangements to pass on the appropriate funding), in accordance with the statutory formula, to the admitting school (both maintained and academies).

At the beginning of each financial year, the Education Finance Team will provide the amount that is attributable to a maintained primary or secondary school, in accordance with the details set out in Appendix B, and confirm the Pupil Premium grant per pupil rate.

Whilst LAs are not permitted to change the statutory calculation required by the Regulations, [The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012](https://www.legislation.gov.uk/uksi/2012/1033/made) do permit an Independent Review Panel to order

* an academy to pay to the LA or
* a LA to adjust a maintained school's budget by

an additional sum of £4,000 if, following a decision by the panel to quash the original decision to exclude, the academy or the governing body (in the case of a maintained school) reconsiders the exclusion and decides not to reinstate the pupil or fails to reconsider the exclusion. These are the only circumstances where a charge may be levied in relation to exclusion.

## Conclusion

Schools Forum is asked to:

Agree to the arrangements for making funding adjustments for permanently excluded pupils from maintained schools and academies; and

Note that, following the agreement, the LA will invite each academy and free school to enter into an Exclusions Agreement.

## Appendix A – Introduction

This policy sets out Southwark Council’s locally agreed arrangements for the transfer of funding from a school to a receiving school or the Local Authority (LA) following the first school deciding to permanently exclude a pupil and applies to the following types of schools

* LA maintained mainstream schools
* Academies (including Free Schools) mainstream and special which admit pupils without statements of special educational needs

In this new local policy, 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 which admit pupils without statements of special educational needs. 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.

For the avoidance of doubt, this policy does not apply to pupils permanently excluded from Pupil Referral Units (PRUs), Alternative Provision (AP) academies, maintained special schools, special academies and children in designated Special Educational Needs (SEN) units or resourced places at mainstream schools.

Effective Date: 1st April 2024

## Statutory Framework

Southwark resident pupils

The statutory framework for maintained schools is set by Section 47 of [The School Standards and Framework Act 1998](https://www.legislation.gov.uk/ukpga/1998/31/section/47) (the "SSFA") and Regulation 37 of [The School and Early Years Finance (England) Regulations 2023](https://www.legislation.gov.uk/uksi/2023/59/part/3/chapter/2/made) (the Regulations), which require a Local Authority (LA) to make an adjustment to the delegated budget for a maintained mainstream school where a pupil is permanently excluded from that school and moves to another maintained school.

The Regulations provide the relevant statutory formula which determines the amount by which the delegated budget is adjusted. The principle is that that the pupil's relevant funding, or more precisely a balance of the funding for the remaining academic year, follows the pupil.

The statutory framework for academies is set by their funding agreement which provides that mainstream academies and special academies which admit pupils without statements of special educational needs must, if asked by a LA, enter into an agreement (the "Exclusion Agreement") which has the effect that, where:

* the academy admits a pupil permanently excluded from a maintained school or from an academy with whom the local authority has a similar agreement;

or

* the academy permanently excludes a pupil;

the arrangements for payment will be the same as if the academy were a maintained school under the Regulations. That is, the budget for that academy will be adjusted so the balance of funding follows the permanently excluded pupil. The amount by which the budget is adjusted should accordingly follow the statutory formula provided under the Regulations.

Part 13 of the [Suspension and permanent exclusion guidance September 2023](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf) sets out the LA’s role in overseeing the financial readjustment and payment for maintained schools and academies with the arrangement in respect of Southwark resident pupils clarified from paragraph 13 below.

Non-resident pupils

For permanent exclusions, the LA must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's ‘home authority’ in cases where the school is in a different local authority area[[1]](#footnote-1).

The [Education Act 1996](https://www.legislation.gov.uk/ukpga/1996/56/section/494/england), section 494 provides for amounts to be transferred where a pupil who has been permanently excluded from a school maintained by one LA receives education in a school maintained by another LA or pursuant to another LA’s duty to provide education otherwise than at school. For the purposes of the Education Act 1996, a maintained school includes a Pupil Referral Unit (PRU).

[The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999](https://www.legislation.gov.uk/uksi/1999/495/regulation/2/made) sets out the method of determining the amount of the payments that are to be made following such an exclusion.

An amount shall be paid within three months of the relevant date. That is, the ‘old LA’ will pay the ‘new LA’ the amount determined. It is then for the new LA to pass on that funding to the admitting school. There is no need for a Memorandum of Understanding (or formal reciprocal agreement) with the other LA to ensure the funding is passed to the admitting school as this is governed by the Regulations whereby the new authority must re-determine the admitting school's budget share in accordance with regulation 37(3).

## Funding Arrangements (for Southwark resident pupils)

For permanent exclusions, the LA must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.

The funding deducted from a maintained school (or academy) should then be used by the LA to add funding to the receiving school’s budget share and/or to help with the costs of making alternative provision for the excluded child.

Mainstream school to mainstream school

Where a pupil is permanently excluded from a school maintained by the LA (other than a special school, pupil referral unit or from a place with the authority have reserved for children with special educational needs) the LA must re-determine the excluding school’s budget share in accordance with the Regulations. Mainstream academy or special academy which admit pupils without statements of special educational needs are covered by the same policy under formal agreement with the LA.

[Suspension and permanent exclusion guidance September 2023](https://assets.publishing.service.gov.uk/media/64ef773513ae1500116e30db/Suspension_and_permanent_exclusion_guidance_september_23.pdf), paragraph 90

*Maintained Schools*

* Where a pupil is permanently excluded, “funding” will be withdrawn pro-rata to the number of complete weeks remaining in the “funding period” from the “relevant date”.
* The funding period for maintained schools will be a financial year with the relevant date being the sixth school day following the date of permanent exclusion.
* Funding will be adjusted regardless as to whether or not the individual pupil was on the school roll at the time of the October census and will apply to all year groups.
* Where a pupil is eligible for pupil premium funding, funding will be withdrawn for the remainder of the financial year.
* The only exception to using the number of weeks remaining in the financial year is where the exclusion takes place after the 1st April in a school year where the pupil would normally have left at the end of that school year.
* Calculation is based on just the number of weeks left until the end of the school year.
* Where an excluded pupil is admitted, then the school will receive funding from the admission date to the end of the current financial year.

Academy Schools

* Where a pupil is permanently excluded, “funding” will be withdrawn pro-rata to the number of complete weeks remaining in the “funding period” from the “relevant date”.
* The funding period for academies will be an academic year with the relevant date being the sixth school day following the date of permanent exclusion.
* Funding will be adjusted regardless as to whether or not the individual pupil was on the school roll at the time of the October census and will apply to all year groups.
* Funding will be adjusted pro-rata to the number of weeks remaining in the funding period from the point of exclusion.
* Where a pupil is eligible for pupil premium funding, funding will be withdrawn for the remainder of the academic year.
* Where an excluded pupil is admitted, then the academy will receive funding from the admission date to the end of the current academic year.

Mainstream school to alternative provision

Funding is withdrawn from the excluding maintained mainstream school (or mainstream academies and special academies which admit pupils without statements of special educational needs, if an exclusion agreement is in place) under reg 37(1) in accordance with the statutory formula. Mainstream school to alternative provision

Funding withdrawn from the mainstream schools will then be used to offset the cost of making alternative provision for the excluded child.

Under section 19 of the [Education Act 1996](https://www.legislation.gov.uk/ukpga/1996/56/section/19), a LA must arrange alternative provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. ‘School’ for the purposes of the Act includes a Pupil Referral Unit and an Alternative Provision Academy.

A pupil referral unit (PRU) is expressly excluded under the Regulation 37(3) and a LA is **not required** to re-determine the budget share of a pupil referral unit when a permanently excluded pupil is admitted to a pupil referral unit.

LAs are responsible for the costs of alternative provision for children who have been permanently excluded from their mainstream provision. Alternative provision is funded from the High Needs Block[[2]](#footnote-2) and paid for via:

* place funding: £10,000 per place for local Alternative Provision;
* top-up funding: the funding required over and above the core or place funding, to enable a pupil to participate in education (especially when an EHC plan is in place) is paid by the LA or school that commissions each place;
* locally negotiated funding for AP services, such as outreach, which are outside the place funding and top-up funding model, usually based on a service level agreement;
* funding for independent AP, also locally negotiated between commissioner and provider as it is outside the place funding and top-up funding system

Therefore, the amount recouped from a maintained mainstream school (or academy, if an exclusion agreement is in place) will be used to subsidise the cost of securing alternative provision (in whatever form that takes) for the excluded child that has been funded from the High Needs Block.

## Funding Arrangements for Managed Moves

An academy’s funding agreement (Clause 2.20 of the Master Agreement) provides that mainstream academies and special academies which admit pupils without statements of special educational needs must, if asked by a LA, enter into an agreement (the "Exclusion Agreement") which has the effect that the arrangements for payment will be the same as if the academy were a maintained school under the Regulations.

Regulation 37(7) applies to Academy schools if an exclusion agreement exists to make clear that the whole of regulation 37 applies. That is, if a pupil leaves a mainstream academy or special academy which admit pupils without statements of special educational needs for reasons other than a permanent exclusion (e.g. managed move\*).

2 [High needs funding: 2024 to 2025 operational guide, section 13](https://www.gov.uk/government/publications/high-needs-funding-arrangements-2024-to-2025/high-needs-funding-2024-to-2025-operational-guide#alternative-provision)

\*If fixed term exclusion would expect the arrangement s to be made directly between the academy and the new provision (be it SILS or other alternative provision).

If a pupil leaves a mainstream academy or special academy which admit pupils without statements of special educational needs via a managed move and placed in the LA’s PRU, the funding arrangements are the same as set out above in the section on “mainstream school to alternative provision”.

Similarly, if the managed moves is between a mainstream academy or special academy which admit pupils without statements of special educational needs and provision funded by the LA other than at a school which is maintained by that authority - the funding arrangements are the same as set out above in the section on “mainstream school to alternative provision”.

Generally, ‘managed moves’ are between mainstream schools (maintained or academies) and the funding arrangements for such a move in Southwark are that once a proposed school has agreed to the move in principle, it is recommended that the head teachers discuss financial arrangements prior to the formal managed move meeting. The LA is unable to arrange the transfer of funds on behalf of schools. Financial arrangements should be confirmed and conducted by schools, if appropriate, following the initial and final managed move meetings.

In the case of a managed move from mainstream maintained school or academy or special academy which admit pupils without statements of special educational needs to alternative provision, Southwark Council will arrange the funding transfer.

## Formula for the transfer of funding

The statutory formula for the withdrawal of funding and the applicable Southwark (2024-25) values are included in Appendix B for:

* Southwark resident pupils; and
* Non Southwark resident pupils.

## Process chart

A process chart for the arrangements for funding to follow pupils who have been permanently excluded from school is included in Appendix C.

## Pupils permanently excluded from other education provision

Different funding arrangements apply in relation to pupils permanently excluded from PRUs, AP academies, maintained special schools, special academies and children in designated SEN units or resourced places at mainstream schools, as set out in Appendix D.

3 [Southwark managed move protocol](https://www.southwark.gov.uk/childcare-and-parenting/children-s-social-care/family-early-help-feh/education-inclusion-handbook/southwark-managed-move-protocol-best-practice?displaypref=large&chapter=2), January 23

## Appendix B – Formula for the transfer of funding.

Southwark resident pupils

**CALCULATION 1**

1. In calculating the funding to be withdrawn that is attributable to a pupil of the same age and personal circumstances the following formula will be used:

**(A x (B/52)) + C**, where:

**A =** 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 (see Section 2 for the 2023-24 per pupil unit value).

**B** = 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).

**C** = 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.

(ii) In calculating the funding to be withdrawn that is attributable to a pupil in respect of whom a pupil premium is payable, the following formula will be used:

**(J x K/52)**, where:

**J =** the amount of the pupil premium allocated to the excluding school for the funding period in respect of that child (see Section 3 for the 2023-24 pupil premium values).

**K =** 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 pupil age range, the number of complete weeks remaining in that school year calculated from the relevant date.

**CALCULATION 2**

(i) In calculating the funding to be passed to the new mainstream school, the following formula will be used:

**D x (E/F)**, where:

**D =** the amount by which the authority reduced the budget share of the excluding school and pupil premium attributable to the excluded pupil under CALCULATION 1.

**E =** the number of complete weeks remaining in the funding period during which the pupil is a pupil at the admitting school.

**F =** the number of complete weeks remaining in the funding period calculated from the relevant date.

A full explanation of this formula is located under regulation 37 of [The School and Early Years Finance (England) Regulations](https://www.legislation.gov.uk/uksi/2023/59/part/3/chapter/2/made).

Non-resident pupils

**CALCULATION 3**

In determining the amount of the payments that are to be made following such an exclusion, the following formula will be used:

**A+B×C/D**[[3]](#footnote-3)**,** where:

**A =** the amount determined by the old authority to be attributable, in the financial year in which the relevant date falls, to a registered pupil of the same age and characteristics of the pupil in question at primary or secondary schools maintained by the old authority (see Section 2 for the 2023-24 per pupil unit value).

**B =** the expenditure which would have been incurred from the old authority’s local schools budget\* (but not their individual schools budget) in respect of, and directly attributable to, the pupil in the financial year in which the relevant date falls had the pupil not been permanently excluded from the school maintained by the old authority.

**C =** either:

(i) the number of complete weeks remaining in the financial year calculated from the relevant date; or

(iii) where the exclusion takes effect, or the intermediate authority cease to provide education, 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, or in the case of an intermediate authority leave the school from which he was first excluded, prior to being admitted to a middle or secondary (including a special) school, the number of complete weeks remaining in that school year calculated from the relevant date (hence the divide by 52).

**D =** 52

AND

*\****local schools budget,** for the purposes of *The Education (Amount to Follow Permanently Excluded Pupil) Regulations* 1999 = the remaining statutory duties for all pupils in respect of all resident pupils supported by the Council’s General Fund.

4 [The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999](https://www.legislation.gov.uk/uksi/1999/495/pdfs/uksi_19990495_en.pdf)

However, the calculation clearly states that it is the amount that is ‘directly attributable’ to the excluded pupil which is likely to result in no increase in the amount deducted from the old LA.

A full explanation of this formula is located under regulation 2 of [The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999](https://www.legislation.gov.uk/uksi/1999/495/regulation/2/made).

## Per pupil unit value

Pupils aged 5 to 16 years old

For the purposes of the statutory formulas, the formula factors included in determining **component** A for pupils aged 5 to 16 are:

| **Pupil Led Factors** | **2024-25** | **2024-25** | **2024-25** |
| --- | --- | --- | --- |
|  | **Primary** | **Secondary (Key Stage 3)** | **Secondary (Key Stage 4)** |
| Age Weighted Pupil Unit (AWPU) | £4,626.36 | £6,628.09 | £6,649.45 |
| Free School Meals | £1,463.91 | £1,903.57 | £1,903.57 |
| IDACI (highest band A) | £713.83 | £1,093.36 | £1,093.36 |
| English as an Additional Language | £620.31 | £1,666.00 | £1,666.00 |
| Poor Attainment | £1,230.12 | £1,879.38 | £1,879.38 |
| **Maximum Potential Annual Deduction (excluding Pupil Premium)** | **£8,654.53** | **£13,170.40** | **£13,191.76** |

Post 16 Pupils

Where the pupil is funded according to the post-16 formula, the amount attributable to the pupil, as set out in paragraph 37(8) of the 2023 Regulations, is:

* £4,542 in respect of the period within the funding period up to and including 31st July 2023; or
* £4,642 in respect of the period within the funding period beginning on 1st August 2023.

## Pupil Premium

| **Pupil Premium** | **2023-24** | **2023-24** | **2023-24** |
| --- | --- | --- | --- |
|  | **Primary** | **Secondary**  **(Key Stage 3)** | **Secondary**  **(Key Stage 4)** |
| Free school Meals, Ever 6 | £1,455 | £1,035 | £1,035 |
| Looked-after Children (LAC) | £2,530 | £2,530 | £2,530 |
| Previously looked-after children (PLAC) | £2,530 | £2,530 | £2,530 |
| Service children (SSP)\* | £335 | £335 | £335 |

\*Eligible service children attract the SPP rate in addition to any other PP grant eligibility rate.

If the excluded pupil is a pupil in respect of whom a pupil premium is payable, based on information contained in the autumn census, for the purposes of the statutory formula, as set out in paragraph 37(10) of the Regulations, the grant allocation used to determine **component J** is:

## Appenix C - Funding arrangements for permanently excluded pupils

Pupil is permanently excluded

Pupil reinstated

No

Independent Review Panel upholds exclusion (or timescale for appeal expires or pupil is not reinstated)

Yes

**Funding withdrawn from excluding school**

**CALCULATN 1**

LA withdraws funding from excluding school

Yes

**Exemption Applies** Funding is removed to end of academic year not end of financial year

Is the pupil in a transfer year at a **maintained school** (Year 6 / Year 11) and excluded between 1 April and end of academic year?

No

Home LA makes education provision

Is the pupil is a Southwark resident?

Yes

Does Southwark make alternative provision?

No

Does pupil now attend a new Mainstream School in Southwark?

Another LA provides school place or education out of school

No

Yes

Yes

Yes

**Funding allocated to:**

**NEW MAINSTREAM SCHOOL**

**SOUTHWARK LOCAL AUTHORITY**

**NEW**

**LOCAL AUTHORITY**

**CALCULATION 2**

Withdrawn funds passed to new school

Southwark retains funds to offset provision already funded by the High Needs Block or to commission additional alternative provision for the excluded pupil

**CALCULATION 3**

Withdrawn funds passed to Educating LA

## Appendix D – Exclusions from other education provision

**Permanent exclusions from PRUs, AP academies, maintained special schools, special academies and children in designated SEN units or resourced places at mainstream schools**

Different funding arrangements apply in relation to pupils permanently excluded from these types of alternative provision.

These schools receive base funding for each place, which is not linked to individual pupils and so is not withdrawn following a permanent exclusion. Similarly, the calculation for an admitting school would not be used for a PRU, AP academy or AP free school. They also receive top-up funding that is linked to individual pupils.

When commissioning places at one of these types of school, LAs and schools should formally agree with the providing school what proportion of this top-up funding will be returned if a pupil leaves the school (for any reason).

For example, if a pupil leaves the Southwark PRU (SILS), for any reason, the LA cannot withdraw place funding and upon commissioning places may wish to clarify (and enter into a formal agreement on) what proportion of the SILS top up rate is to be returned to the LA .

The only exception to this is where pupil premium is payable in respect of a pupil attending a PRU or special school maintained by the LA. In this situation, LAs must adjust the school’s budget in accordance with the same formula that applies to mainstream schools.

In the case of AP and special academies, LAs should claim from the academy an amount equivalent to the pupil premium (as calculated according to the formula in the regulations) or pay the academy the relevant amount when a previously permanently excluded pupil joins the academy.

1. ## [Suspension and permanent exclusion guidance September 2023](https://assets.publishing.service.gov.uk/media/64ef773513ae1500116e30db/Suspension_and_permanent_exclusion_guidance_september_23.pdf), paragraph 90

   [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)