

West Northants Schools Forum: 14 December 2021
Agenda Item 5 Annex A
Split site funding policy and permanent exclusion clawback policy

1 Background

- 1.1 This annex sets out the LA's recommendation that the Split Site funding policy and Permanent exclusions policy be updated for WNC.
- 1.2 As reported to the October schools forum meeting, we recommend that the split site policy for 2022-23 school budgets be continued with the same policy and rates as that used previously before 1st April vesting day. Whereas the LA recommended changing the policy for permanent exclusion clawbacks so that it follows current legislative requirements.

2 Split Site Policy and Rates

- 2.1 The DfE refers to split site funding specifically within the school funding arrangements. It is recognised that these schools incur higher running costs, for example extra staffing costs due to travel between sites and the care and maintenance of 2 sites.
- 2.2 The proposed policy is as follows: Schools will be assessed at their request based on these criteria including those schools currently in receipt of split site funding. The criteria to qualify for the funding elements would be as follows:
 - a) Where a school is more than 1 mile apart an allocation is given to support extra leadership costs including site management. Primary schools of less than 400 pupils in total or secondary schools of less than 1,500 pupils would be entitled to this element of funding. It is assumed larger split site schools should have sufficient scale to manage the efficient use of their site not to require this element of split site funding; and/or
 - b) Where a school is separated by a public road that utilises traffic, funding will be given to support the extra pressure incurred by having 2 sites incurring higher fixed costs for the care, maintenance and operation of the buildings; and/or
 - c) Where a school is separated by a public road that utilises traffic and there is daily movement of pupils between sites there will be a contribution towards the extra costs of staff and pupils transportation between the 2 sites.
 - d) Any Secondary schools with sites greater than 5 miles apart would receive split site funding equivalent to the Secondary lump sum funding amount.

- 2.3 Split Site Rates (same as for 2021-22)

Table 1 Split Site Funding Rates 2022-23

Phase	a. Leadership Costs (*)	b. Building Care & Maintenance	c. Staff and pupil travel	d. Secondary 5+ miles apart
Primary	Up to a maximum of £25,000	Up to a maximum of £20,000	Up to a maximum of £30,000	n/a
Secondary	Up to a maximum of £40,000	Up to a maximum of £25,000	Up to a maximum of £50,000	Total of the Secondary Lump Sum £ in 2022/23)

Note (*) applies where a Primary school is less

3 Split Site Responses from the consultation

3.1 The consultation question asked:

- 1) if schools agree with rolling forward the split site policy from NCC and,
- 2) whether they agree with using the same rates as for 2021-22.

3.2 There were nine responses to the consultation – one from a trust, and the others from eight schools. Not every question was answered within each response. The small number of responses might indicate a low level of concern about the proposed option of the council.

3.3 Five responses agreed, one disagreed and one responder picked “other” for both split site questions.

3.4 For the first question we received the comment “There are significant additional costs to other issues for school – for example, being on a very limited bus route has additional costs in getting children to school or staying for additional after school activities and old buildings have additional maintenance costs. Every school has its challenges”.

3.5 The responder who disagreed with this policy suggested that the rates be 50% of current rates in 2022-23 and 0% in 2023-24.

3.6 The LA aim to replicate the national funding formula within that is an optional split site factor that can be used by the local funding formula. The guidance on pre-16 funding contains a specific section on split sites. If schools are facing a significant additional cost for something not rolled into the base rate in the 2013 funding changes, the LA are happy to review those additional costs to see if it would be appropriate to add these into the formula as an exceptional cost.

4 Permanent Exclusion Clawback Policy

4.1 The proposed policy was:

- The clawback of funding from schools and academies will be based on the per pupil funding formula that the individual excluded pupil would have generated for the

school's budget share and pupil premium grants, (whether they were present on census day or not).

- The clawback will be pro-rata based on 52 weeks from 1 April to 31 March (unless the pupil is in their final year, then pro-rata from 1st April to 31st August).
- The mechanism of clawback will default to a reduction in monthly transfers unless the value is large and/or the school or academy request an invoice.

4.2 The proposed policy is in line with legislation and the LA would not be able to implement an alternative policy that is not in line with legislation.

5 Permanent Exclusion Clawback Policy Responses from the consultation

5.1 There were 7 responses to the question "Do you agree with implementing the legislation (a change from NCC policy)?" Five responders agreed, one disagreed and two responded with "other". The comment from the "no" responder was "leading up to an exclusion, any additional funding will surely have been exhausted in supporting not only the child but also the family. Support services need to be improved to provide greater help. Imposing financial penalties on a school having to take this action is unfair."

5.2 We understand your comments but unfortunately the legislation does not make any provision for netting off previous additional expenditure on measures taken to prevent the permanent exclusion. The LA must comply with legislation.

5.3 The two "other" responders both submitted the comment that they agree in principal that the LA should be able to claw back funding for pupils permanently excluded but only if the school had actually received funding for the child at that time.

5.4 This is a reasonable suggestion, and the LA will confirm with the ESFA that the legislation can be interpreted to only apply the clawback when the pupil has generated that funding for the school.

5.5 One responder who agreed with the proposed change added the comment: "it would appear we don't have an option. Your proposal will inevitably be an increased cost to the school and therefore request that if cases go to appeal this cost is covered by the council instead of the school being charged additionally for the service. However, I would like us to make the point that our agreement is dependent on the LA providing enough accessible specialist places so students can be appropriately placed before PEx. And work with primary colleagues to ensure SEND and EHCP plans are in place before secondary placements are made."

5.6 The change to the legislative calculation of the clawback does not always increase the clawback to the school. The old NCC policy included a fixed fee of £3k which is removed when following the legislation. The time of year that the pupil is excluded and the specific characteristics that align to formula funding elements can mean that it is higher or lower than the previous method. The LA was a small net loser in the initial calculation of the impact of that this policy change will make. It is schools forum that votes, and accordingly the responder should inform their schools forum representative of their view. However please note, that this is legislation and must be complied with. If SF does not agree the LA will have to go to the ESFA / DfE to appeal.

6 Recommendations for schools forum

6.1 Schools forum members are asked to agree the proposed Split Site Policy and rates and the proposed Permanent Exclusion clawback policy.

7 Next steps

7.1 If agreed the schools with split sites will have the funding included in their 2022-23 individual school budgets as they have been for 2021-22. If not, those schools will not receive this funding.

7.2 If the change to the permanent exclusion clawback policy is agreed then the new calculation will start from all exclusions from 1st April 2022 onward. As per paragraph 5.4 the LA will contact ESFA to confirm that we are able to not make the clawback if the pupil was not on role at the census date generating the funding.

8 Legal implications

8.1 There are no legal implications from the split site policy and rates.

8.2 There is a legal responsibility to follow the statutory instruments and the LA would need to take advice from the ESFA if Schools Forum vote to continue the historical method of estimating exclusion claw backs.

9 Risks

9.1 There is a risk that not funding split sites appropriately leads to a greater financial burden on some schools than others. This creates the risk of financial instability, or inadequate cover for the safety of pupils travelling between sites or inadequate caretaking of a site and could lead to a school becoming less appealing to parents.