

*These notes refer to the Education Act 2002 (c.32)
which received Royal Assent on 24 July 2002*

EDUCATION ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 11 – Miscellaneous and General

Miscellaneous

Sections 207 and 208: Recoupment: adjustment between LEAs and special cases

399. Inter-authority recoupment occurs when a child is educated outside the LEA in which he or she lives. In these circumstances, the LEA providing the education is entitled to “recoup” the additional costs it faces, in making that provision, from the “home” LEA.
400. The effect of these sections is to remove the Secretary of State’s role in settling disputes between LEAs in England about the amounts to be paid. Current arrangements are retained in relation to disputes between LEAs in Wales. The NAW intends to update the regulations applicable in relation to inter-authority arrangements. Any dispute relating to children who are educated in Wales but the responsibility of an LEA in England will be determined by the NAW, with the agreement of the Secretary of State in England. Where one LEA is in Scotland and the other in England, any dispute which arises will be determined by the Secretary of State.
401. [Section 207](#) re-enacts, with amendments to give effect to the changes above, section 492 of the EA 96 and section 208 transfers to the NAW, so far as exercisable in relation to Wales, the power to make regulations under section 494. This relates to inter-authority recoupment in relation to pupils permanently excluded from a school maintained by one authority who are being provided with education at a school maintained by another authority.