

## **SCHEDULE 1: SPECIFICATION & MONITORING**

### **NON-MAINTAINED SPECIAL SCHOOL SPECIFICATION**

#### **Definitions**

##### **Pre 16 Education Definitions**

<b>“Coronavirus (COVID-19) Catch-up Premium”</b>	Means funding provided to support Learners to catch-up following disruption to their learning as a result of the impact of Coronavirus (COVID-19).
<b>“Coronavirus (COVID-19) Catch-up Premium Guidance”</b>	Means <a href="https://www.gov.uk/guidance/coronavirus-covid-19-catch-up-premium">https://www.gov.uk/guidance/coronavirus-covid-19-catch-up-premium</a>
<b>“Education, Health and Care Plan”</b>	Means a support plan as defined in section 37(2) of the <a href="#">Children and Families Act 2014</a>
<b>“High Needs Funding Guidance”</b>	Means <a href="https://www.gov.uk/government/publications/high-needs-funding-arrangements-2020-to-2021">https://www.gov.uk/government/publications/high-needs-funding-arrangements-2020-to-2021</a>
<b>“NMSS Regulations”</b>	Means the Non-Maintained Special School (England) Regulations 2015 <a href="https://www.legislation.gov.uk/ukxi/2015/728/contents/made">https://www.legislation.gov.uk/ukxi/2015/728/contents/made</a> <a href="https://www.gov.uk/government/publications/non-maintained-special-schools-regulations-2015">https://www.gov.uk/government/publications/non-maintained-special-schools-regulations-2015</a>
<b>“Non-Maintained Special Schools: Intervention and Accountability”</b>	Means <a href="https://www.gov.uk/government/publications/non-maintained-special-schools-intervention-and-accountability">https://www.gov.uk/government/publications/non-maintained-special-schools-intervention-and-accountability</a>
<b>“PE and Sport Premium”</b>	Means <a href="#">PE and sport premium for primary schools - GOV.UK (www.gov.uk)</a>

<b>“Pre 16 Education”</b>	Means special educational provision for pupils up to and including year 11
<b>“Pupil Premium: Conditions of Grant 2020 to 2021”</b>	Means <a href="https://www.gov.uk/government/publications/pupil-premium-allocations-and-conditions-of-grant-2020-to-2021/pupil-premium-conditions-of-grant-2020-to-2021">https://www.gov.uk/government/publications/pupil-premium-allocations-and-conditions-of-grant-2020-to-2021/pupil-premium-conditions-of-grant-2020-to-2021</a>
<b>“Qualifications”</b>	Means the ESFA List of Qualifications approved for funding 14-19 <a href="https://section96.education.gov.uk/">https://section96.education.gov.uk/</a>
<b>“SEND Code of Practice”</b>	Means <a href="https://www.gov.uk/government/publications/send-code-of-practice-0-to-25">https://www.gov.uk/government/publications/send-code-of-practice-0-to-25</a>
<b>“Special Education Provision”</b>	Means special educational provision that is different from or additional to that normally available to pupils or students of the same age, which is designed to help children and young people with SEN or disabilities to access the National Curriculum at school or to study at college.
<b>“Teachers’ Pay Grant April 2020 to March 2021: Conditions of Grant”</b>	Means <a href="https://www.gov.uk/government/publications/teachers-pay-grant-allocations-for-2020-to-2021-financial-year">https://www.gov.uk/government/publications/teachers-pay-grant-allocations-for-2020-to-2021-financial-year</a>
<b>“Universal Infant Free School Meals: Conditions of Grant 2020 to 2021”</b>	Means <a href="https://www.gov.uk/education/free-school-meals-fsm-funding">https://www.gov.uk/education/free-school-meals-fsm-funding</a>

### 16-19 Education Definitions

<b>16-19 Education Definitions “16 to 19 Education Financial Support for Students Advice”</b>	Means <a href="https://www.gov.uk/guidance/16-to-19-education-financial-support-for-students">https://www.gov.uk/guidance/16-to-19-education-financial-support-for-students</a>
---	--

<p><b>“16 to 19 Education: Funding Allocations Supporting Documents”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/16-to-19-education-funding-allocations">https://www.gov.uk/guidance/16-to-19-education-funding-allocations</a></p> <p><a href="https://www.gov.uk/government/publications/16-to-19-funding-allocations-supporting-documents-for-2020-to-2021">https://www.gov.uk/government/publications/16-to-19-funding-allocations-supporting-documents-for-2020-to-2021</a></p>
<p><b>“16 to 19 Education: Funding Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/16-to-19-education-funding-guidance">https://www.gov.uk/guidance/16-to-19-education-funding-guidance</a></p>
<p><b>“16 to 19 Student Support Funding Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/16-to-19-bursary-fund-guide-2020-to-2021-academic-year">https://www.gov.uk/guidance/16-to-19-bursary-fund-guide-2020-to-2021-academic-year</a></p> <p><a href="https://www.gov.uk/guidance/free-meals-in-further-education-funded-institutions-guide-for-the-2020-to-2021-academic-year">https://www.gov.uk/guidance/free-meals-in-further-education-funded-institutions-guide-for-the-2020-to-2021-academic-year</a></p> <p><a href="https://www.gov.uk/guidance/residential-bursary-fund-guide-for-the-2020-to-2021-academic-year">https://www.gov.uk/guidance/residential-bursary-fund-guide-for-the-2020-to-2021-academic-year</a></p> <p><a href="https://www.gov.uk/guidance/residential-support-scheme-guide-for-academic-year-2020-to-2021">https://www.gov.uk/guidance/residential-support-scheme-guide-for-academic-year-2020-to-2021</a></p>
<p><b>“16-19 Tuition Fund”</b></p>	<p>Means funding provided to support small group tuition for 16 to 19 students in English, maths and other courses where learning has been disrupted.</p>
<p><b>“16-19 Tuition Fund Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/16-to-19-funding-16-to-19-tuition-fund">https://www.gov.uk/guidance/16-to-19-funding-16-to-19-tuition-fund</a></p>
<p><b>“Capacity and Delivery Funding”</b></p>	<p>Means specific funding provided to post-16 providers to build capacity and capability to deliver substantive T Level-style placements ahead of the roll-out of T Levels.</p>
<p><b>“Coronavirus (COVID-19) Catch-up Premium”</b></p>	<p>Means funding provided to support Learners to catch-up following disruption to their learning as a result of the impact of Coronavirus (COVID-19).</p>
<p><b>“Coronavirus (COVID-19) Catch-up Premium Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/coronavirus-covid-19-catch-up-premium">https://www.gov.uk/guidance/coronavirus-covid-19-catch-up-premium</a></p>

<b>“Education, Health and Care Plan”</b>	Means a support plan as defined in section 37(2) of the <a href="#">Children and Families Act 2014</a>
<b>“Funding Rates and Formula Guidance”</b>	Means <a href="https://www.gov.uk/government/publications/funding-rates-and-formula">https://www.gov.uk/government/publications/funding-rates-and-formula</a>
<b>“Funding Regulations”</b>	Means Funding Guidance for Young People 2020 to 2021 <a href="https://www.gov.uk/government/publications/advice-funding-regulations-for-post-16-provision">https://www.gov.uk/government/publications/advice-funding-regulations-for-post-16-provision</a>
<b>“Guidance for Completing the Industry Placement Capacity and Delivery Fund (CDF) Monitoring Form”</b>	Means <a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-2020-to-2021-for-providers-in-receipt-of-cdf-in-academic-year-2019-to-2020">https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-2020-to-2021-for-providers-in-receipt-of-cdf-in-academic-year-2019-to-2020</a>
<b>“High Needs Funding Guidance”</b>	Means <a href="https://www.gov.uk/government/publications/high-needs-funding-arrangements-2020-to-2021">https://www.gov.uk/government/publications/high-needs-funding-arrangements-2020-to-2021</a>
<b>“How T Levels Will be Funded in 2020 to 2021”</b>	Means <a href="https://www.gov.uk/guidance/how-t-levels-will-be-funded-in-academic-year-2020-to-2021">https://www.gov.uk/guidance/how-t-levels-will-be-funded-in-academic-year-2020-to-2021</a>
<b>“Industry Placement Guidance”</b>	Means Capacity and Delivery Fund (‘CDF’) guidance for those not in receipt of CDF in 2019 to 2020: <a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-academic-year-2020-to-2021-for-providers-not-in-receipt-of-cdf-in-2019-to-2020-academic-year">https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-academic-year-2020-to-2021-for-providers-not-in-receipt-of-cdf-in-2019-to-2020-academic-year</a>  CDF guidance for those in receipt of Capacity & Delivery Funding in 2019 to 2020: <a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-2020-to-2021-for-providers-in-receipt-of-cdf-in-academic-year-2019-to-2020">https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-2020-to-2021-for-providers-in-receipt-of-cdf-in-academic-year-2019-to-2020</a>

<p><b>“Maths and English Conditions of Funding Guidance” and “Conditions of Funding”</b></p>	<p>Means  <a href="https://www.gov.uk/guidance/16-to-19-funding-maths-and-english-condition-of-funding">https://www.gov.uk/guidance/16-to-19-funding-maths-and-english-condition-of-funding</a></p>
<p><b>“matrix Standard”</b></p>	<p>Means  <a href="https://matrixstandard.com/">https://matrixstandard.com/</a></p>
<p><b>“Pupil Premium: Conditions of Grant 2020 to 2021”</b></p>	<p>Means  <a href="https://www.gov.uk/government/publications/pupil-premium-allocations-and-conditions-of-grant-2020-to-2021/pupil-premium-conditions-of-grant-2020-to-2021">https://www.gov.uk/government/publications/pupil-premium-allocations-and-conditions-of-grant-2020-to-2021/pupil-premium-conditions-of-grant-2020-to-2021</a></p>
<p><b>“Qualifications”</b></p>	<p>Means the ESFA List of Qualifications approved for funding 14-19  <a href="https://section96.education.gov.uk/">https://section96.education.gov.uk/</a></p>
<p><b>“Qualifying Learner”</b></p>	<p>Means a Learner enrolled on a full-time level 2 or level 3 vocational and technical programme as set out in the current Capacity and Delivery Fund guidance at:  <a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-2020-to-2021-for-providers-in-receipt-of-cdf-in-academic-year-2019-to-2020">https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-2020-to-2021-for-providers-in-receipt-of-cdf-in-academic-year-2019-to-2020</a></p>
<p><b>“SEND Code of Practice”</b></p>	<p>Means  <a href="https://www.gov.uk/government/publications/send-code-of-practice-0-to-25">https://www.gov.uk/government/publications/send-code-of-practice-0-to-25</a></p>
<p><b>“Student Bursary Support Service (SBSS)”</b></p>	<p>Means  <a href="https://studentbursary.education.gov.uk/w/webpage/student-bursary">https://studentbursary.education.gov.uk/w/webpage/student-bursary</a></p>
<p><b>“Study Programme”</b></p>	<p>Means a Learning Programme designed for an individual Learner aimed at supporting their development and progression in line with their aspirations for sustainable paid work, further or higher education, an apprenticeship or a traineeship. For the purposes of this Agreement, it also means T Levels.  <a href="https://www.gov.uk/government/publications/16-to-19-study-programmes-guide-for-providers">https://www.gov.uk/government/publications/16-to-19-study-programmes-guide-for-providers</a></p>

<b>“Sub-Contracting Controls”</b>	Means <a href="https://www.gov.uk/government/publications/funding-guidance-for-young-people-sub-contracting-controls">https://www.gov.uk/government/publications/funding-guidance-for-young-people-sub-contracting-controls</a>
<b>“T Level”</b>	Means a Level 3 programme of education, known as a T Level, which has been approved by the Institute of Apprenticeships and Technical Education under sections A2DA and A2DB of the Apprenticeships Skills, Children and Learning Act 2009.
<b>“T Level Industry Placements Delivery Guidance”</b>	Means <a href="https://www.gov.uk/education/t-levels">https://www.gov.uk/education/t-levels</a>
<b>“Teachers’ Pay Grant April 2020 to March 2021: Conditions of Grant”</b>	Means <a href="https://www.gov.uk/government/publications/teachers-pay-grant-allocations-for-2020-to-2021-financial-year">https://www.gov.uk/government/publications/teachers-pay-grant-allocations-for-2020-to-2021-financial-year</a>
<b>“Teachers’ Pension Scheme Increased Employer Contributions”</b>	Means <a href="https://www.gov.uk/government/publications/teachers-pension-scheme-employer-contribution-grant-further-education-providers/teachers-pension-scheme-employer-contribution-grant-further-education-providers">https://www.gov.uk/government/publications/teachers-pension-scheme-employer-contribution-grant-further-education-providers/teachers-pension-scheme-employer-contribution-grant-further-education-providers</a>
<b>“Traineeships Funding Guidance”</b>	Means <a href="https://www.gov.uk/delivering-traineeships-through-efa-funding">https://www.gov.uk/delivering-traineeships-through-efa-funding</a>
<b>“Universal Infant Free School Meals: Conditions of Grant 2020 to 2021”</b>	Means <a href="https://www.gov.uk/education/free-school-meals-fsm-funding">https://www.gov.uk/education/free-school-meals-fsm-funding</a>

## Background

1. The High Needs element of the funding system supports provision for children and young people with special educational needs and disabilities (SEND) from their early years until they reach the age of 25, enabling both local authorities and institutions to meet their statutory duties under the [Children and Families Act 2014](#).

2. The funding for the supply of these Services in respect of High Needs Learners by the Provider is provided by both the Department and the local authority which is responsible for meeting the Pupil's needs.
3. Top-up funding is funding the local authority and the Provider agree is required above the place funding detailed at paragraph 2 above for each Learner to meet the total cost of education provision required by a High Needs Pupil and a High Needs Learner as assessed by the commissioning local authority. A separate agreement will be entered into by the local authority and the Provider, where appropriate, to specify the terms and conditions governing any top-up funding paid by the local authority to the Provider.
4. The legal bases for these Services are Section 14 Education Act 2002 and section 100(1B) of the Apprenticeships, Skills Children and Learning Act 2009.
5. The documents listed in the Definitions of this Schedule for Pre 16 Education are those documents produced by the Department which constitute the Regulations for these Services.
6. The documents listed in the Definitions of this Schedule for 16-19 Education are those documents produced by the Department which constitute the Funding Rules for these Services.

### **The Services**

7. The Services to be delivered under this Agreement are to be provided to High Needs Pupils and High Needs Learners.
8. In accordance with the terms of this Agreement, for each school place allocated based on the October 2019 School Census data to a High Needs Pupil and a High Needs Learner, the Department will pay the Provider £10,000 per annum.
9. The payment referred to under paragraph 8 is the only payment the Department will make to the Provider under this Agreement unless the Provider qualifies for an additional payment under paragraphs 22 to 27 and 34 to 37 of this Schedule.

### **Services Commencement and Duration**

10. Non-Maintained Special School Services Start Date: 1<sup>st</sup> August 2020
11. Non-Maintained Special School Services Expiry Date: 31<sup>st</sup> July 2021

### **Service Requirements**

#### Admissions

12. The Provider shall admit eligible High Needs Pupils and Learners onto

these Services from the Services Start Date.

13. The Provider shall not admit High Needs Pupils and Learners onto these Services after the Services Expiry Date.
14. Subject to the provisions of the [Children and Families Act 2014](#), the Provider must admit all children and young people with an Education, Health, and Care Plan naming the Provider.
15. The Provider must have due regard to the Special Educational Needs and Disability Code of Practice: 0 to 25 years 2015 when dealing with Education, Health, and Care Plans.

## Outputs

### Non-Maintained Special School Delivery

#### Pre 16 Education

16. The Provider will deliver eligible Pre 16 Education to High Needs Pupils as set out in the NMSS Regulations for the Funding Year.
17. The Provider will take steps to ensure it spends the allocated funding in the Funding Year.
18. The Provider will maintain evidence of the delivery of the Services to support the information provided in the School Census. In all circumstances the Provider must retain attendance and enrolment records.
19. The Provider is responsible for the curriculum but must ensure that the curriculum provided to High Needs Pupils is balanced and broadly based, and includes English, mathematics, science.
20. The Provider must make arrangements to ensure, as far as practicable, that every High Needs Pupil receives religious education and attends religious worship as required by the NMSS Regulations.
21. The Provider must make arrangements to ensure that all High Needs Pupils provided with a secondary education receives sex education as required by the NMSS Regulations.
22. Where the Provider is in receipt of PE and Sport Premium, the Provider will deliver the PE and Sport Premium to the requirements set out in Annex 1 to this Schedule 1 - PE and sport premium: conditions of grant 2020 to 2021 (Non maintained special school).
23. Where the Provider is in receipt of Pupil Premium, the Provider must comply with the Pupil Premium: Conditions of Grant 2020 to 2021.



24. Where the Provider is in receipt of Coronavirus (COVID-19) Catch-up Premium, the Provider must comply with the Coronavirus (COVID-19) Catch-up Premium Guidance.
25. Where the Provider is in receipt of Universal Infant Free School Meals, the Provider must comply with the Universal Infant Free School Meals: Conditions of Grant 2020 to 2021.
26. Where the Provider is in receipt of the Teachers' Pay Grant, the Provider must comply with the Teachers Pay Grant April 2020 to March 2021: Conditions of Grant.
27. Where eligible, the Provider will receive a grant for Teachers' Pension Scheme Increased Employer Contributions, this is additional funding to support increased employer pension contributions for this Funding Year.

#### 16 to 19 Education Delivery

28. The Provider will deliver an eligible Study Programme to High Needs Pupils and High Needs Learners as set out in the Funding Regulations for the Funding Year.
29. The Provider will take steps to ensure as many High Needs Learners as possible achieve their Study Programmes. The Department will monitor the achievement rate as part of an overall risk assessment.
30. The Provider will take steps to ensure it spends the allocated funding in the Funding Year.
31. The Provider will maintain evidence of the delivery of the Services to High Needs Pupils and High Needs Learners as set out in the Funding Regulations.
32. Where the Provider delivers traineeships to High Needs Pupils and High Needs Learners, delivery must meet the requirements set out in the Traineeships Funding Guidance.
33. As set out in the Maths & English Condition of Funding Guidance, the Provider must ensure High Needs Pupils and High Needs Learners study maths and/or English as part of their Study Programme in each academic year where the High Needs Learners are:
  - a. aged 16 to 18 who do not hold a GCSE grade 9 to 4, A\* to C (a standard pass grade) or an equivalent qualification in these subjects; and
  - b. doing a programme of 150 hours or more, which started on or after 1 August 2014.
  - c. where the High Needs Pupil or High Needs Learner is enrolled in a T Level, the Provider must comply with the requirements in relation to maths and English set out in How T Levels Will Be Funded in 2020 to 2021.

34. Where the High Needs Pupils and High Needs Learners are aged 16 to 19 are eligible, the Provider will support them to take part in their Study Programme through the provision of bursary funding, including for free meals and accommodation as set out in the 16 to 19 Student Support Funding Guidance and 16 to 19 Education Financial Support for Students Advice.
- a. 16 to 19 Bursary Fund – provision of financial support to help High Needs Pupils and High Needs Learners overcome specific barriers to participation so they can remain in education. This can be either through the bursary for defined vulnerable groups or through the discretionary bursary;
  - b. Free meals in further education – the provision of free meals to eligible High Needs Pupils and High Needs Learners;
  - c. Residential Bursary Fund – provision of support towards accommodation costs for eligible High Needs Pupils and High Needs Learners participating in a designated specialist subject area, e.g. land-based Study Programmes, which it is too far to travel to each day; and
  - d. Residential Support Scheme – provision of support towards accommodation costs for eligible High Needs Pupils and High Needs Learners who cannot access the same or similar substantial Level 2 or Level 3 Qualification within a reasonable daily travelling distance.
35. Where the financial support is for a bursary for an eligible High Needs Pupil or a High Needs Learner in a defined vulnerable group, the Provider must access such support for the eligible Learner from the Student Bursary Support Service (SBSS), as set out in the 16 to 19 Student Support Guidance and 16 to 19 Education Financial Support for Students Advice.
36. The Provider will support eligible High Needs Pupils and High Needs Learners via High Needs Funding as set out in the High Needs Funding Guidance and SEND Code of Practice. This supports Services for Learners with special educational needs and disabilities (SEND) until they turn 19.
37. Where the Provider is engaged in the delivery of activity funded through the 16-19 Tuition Fund, the Provider must comply with the requirements set out in the 16-19 Tuition Fund Guidance.
38. The Provider must provide high quality and easily accessible information and advice in helping High Needs Pupils and High Needs Learners to understand the opportunities and support available to them about education, training or connected matters (including employment);
- a. Where one of the main objectives of the Provision to be provided under this Agreement is to deliver information and advice, the

Provider will have to have or attain the matrix Standard accreditation within the Funding Year; and

- b. If the information and advice is embedded as part of the delivery of the Provision the Provider must work towards achieving the matrix Standard accreditation within the Funding Year.
  - c. Where the Provision is delivered by a sub-contractor on behalf of the Provider, the requirements set out in sub-paragraphs 26.a and 26.b must be applied to the sub-contractor. This does not apply where the Provider retains responsibility for the delivery of information and advice to the High Needs Pupils and High Needs Learners.
  - d. Once achieved, matrix Standard accreditation is valid for three years. The Provider must continue to demonstrate their continuous improvement via annual continuous improvement checks with the matrix Standard assessor.
39. Where the Provider is engaged in the delivery of T Levels, the Provider must:
- a. comply with the requirements set out in How T Levels Will Be Funded In 2020-21;
  - b. comply with the requirements set out in the T Level Industry Placements Delivery Guidance;
  - c. comply with visits from the Department, its agent or any other body with whom the Department makes arrangements, for the purposes of monitoring the compliance with the T Level Industry Placements Delivery Guidance; and
  - d. have due regard to the skills analysis and priorities of the local Skills Advisory Panel when planning future expansion of T level provision.

#### 16 to 19 Education Delivery Administration

40. The Provider will submit Pupil Data to the Department to comply with Clause 21, Submission of Pupil Data.
41. The Provider must keep the Department informed of any changes to their bank details.
42. In addition to the obligations set out in Clause 30, Assignment and Sub-Contracting, the Provider will adhere to the requirements set out in the Sub-Contracting Controls.
43. The Provider will deliver the Services in a way that ensures:
  - a. Value for money;
  - b. The protection of public funds;

- c. The effective delivery of a high-quality service for High Needs Pupils and High Needs Learners appropriate to their needs; and
- d. Meets the public benefit test.

**The Department**

- 44. The Department will pay for the Services as set out in Schedule 2, Non-Maintained Special School Education Payments.
- 45. The Department will monitor the Services as set out in Schedule 1B, Non-Maintained Special School Education Monitoring.

## **SCHEDULE 1B: MONITORING**

### **NON-MAINTAINED SPECIAL SCHOOL MONITORING**

#### **Intervention and Accountability**

1. The Department will intervene if an NMSS is under-performing or failing as set out in Non-Maintained Special Schools: Intervention and Accountability.

#### **Non-maintained Special School Delivery Reconciliation**

2. Payments from the Department will be reconciled to the volume of High Needs Pupils and High Needs Learners supported and cash earned by the actual delivery of the Services for the period to the timetable published in the Funding Guidance. Where the Provider's actual delivery will result or has already resulted in an overpayment to the Provider by the Department, the Department reserves the right to deduct the amount owed from payments due to the Provider under the Agreement or any other Agreement between the Parties, for current or subsequent months or years accordingly.
3. Where the Provider's actual delivery has resulted in an underpayment to the Provider by the Department, the Department is under no obligation to provide additional funding or to adjust the amount due to the Provider accordingly. Any adjustment shall not exceed the overall maximum agreement value set out in Schedule 2, Non-Maintained Special Schools Payments.
4. A review will take place at the end of the period of this Agreement in respect of the Provision specified in Schedule 1, Non-Maintained Special Schools Specification. The Department will notify the Provider of the volume and value of the Study Programmes delivered and compare this to the total funding paid under this Agreement as specified in Schedule 2, Non-Maintained Special Schools Payments. At this stage the Department reserves the right to conduct a final cash reconciliation. Any overpayment made to the Provider by the Department will be repayable within 30 days of receiving an invoice. The Department reserves the right to reduce future payments to recover any overpayments. The Department is under no obligation to pay any additional funding above the overall maximum agreement allocation value specified in Schedule 2, Non-Maintained Special Schools Payments.

#### **Industry Placement: Capacity and Delivery Fund**

5. Where the Provider is in receipt of Capacity and Delivery Funding, the Provider will submit termly monitoring reports as set out in the Guidance for Completing the Industry Placement Capacity and Delivery Fund Monitoring Form. The Department may withdraw the 2020/21 Capacity and Delivery Fund allocation and recover funding paid if the monitoring form is not completed and not submitted to the requirements set out in

the guidance.

6. Where the Provider is in receipt of Capacity and Delivery Funding, the Provider will support eligible Qualifying Learners to complete an Industry Placement, in accordance with the requirements of the T Level Industry Placements Delivery Guidance so far as relevant.
7. Where the Provider is in receipt of Capacity and Delivery Funding and fails to deliver a minimum number of Industry placements equivalent to the percentage as defined in the Industry Placement Guidance of the number of Qualifying Learners on full time level 2 and/or level 3 vocational and technical programmes in 2018 to 2019 academic year with the allocated Capacity and Delivery Funding, the Department shall be entitled to
  - a. reduce, suspend or recover, from the Provider a sum equal to the allocation for the number of Industry Placements not delivered; and/or
  - b. give consideration to the failure to meet the minimum number of Industry Placements when finalising the amount of funding to be provided in respect of the delivery of such Industry Placements in any subsequent Agreement between the Parties.
8. Where the Provider is in receipt of Capacity and Delivery Funding, if:
  - a. the Department, in its sole discretion, considers that the outcome of the financial health assessment and/or the Provider's financial control arrangements is inadequate, or
  - b. an Inspectorate has judged the Services delivered under this Agreement to be inadequate or not met,

the Department may, in its absolute discretion, withhold any remaining profiled allocation payments of that fund, and may give consideration of any such matter when finalising the amount of funding to be provided in respect of the delivery of such Industry Placements in any subsequent Agreement between the Parties.

## Annex 1

### PE and sport premium: conditions of grant 2020 to 2021 (Non-Maintained Special Schools)

#### Introduction

1. The primary PE and sport premium 2020 to 2021 (“the premium”) will be paid by the Secretary of State for Education (“Secretary of State”) to the non-maintained special school as stated in section 14 of the Education Act 2002.
2. In accordance with Section 16 of that Act, the Secretary of State lays down the following terms and conditions on which financial assistance is given in relation to the premium payable for the academic year 2020 to 2021.
3. The premium for the 2020 to 2021 academic year is paid in 2 instalments from the Secretary of State to the non-maintained special school as follows:

Instalment	Payment Date
1	December 2020
2	April 2021

#### Purpose of the premium

4. The premium must be used to fund additional and sustainable improvements to the provision of PE and sport, for the benefit of primary-aged pupils, in the 2020 to 2021 academic year, to encourage the development of healthy, active lifestyles. The Secretary of State has published [information on how much PE and sport premium funding primary schools receive, and advice on how to spend it](#).

#### Basis of allocation

5. Allocations for the academic year 2020 to 2021 are calculated using the number of pupils in years 1 to 6, as recorded in the January 2020 census, as follows:
  - schools with 17 or more pupils receive £16,000 plus £10 per pupil; and
  - schools with 16 or fewer pupils receive £1,000 per pupil
6. In the case of a school which has opened or is due to open during the 2020 to 2021 academic year, the above formula will apply based on pupils recorded on the autumn 2020 school census.

#### Terms on which the premium is allocated to schools

7. The premium must be spent by schools on making additional and sustainable improvements to the provision of PE and sport for the benefit of all pupils to encourage the development of healthy, active lifestyles. This applies also to any carry over funding from the academic year 2019 to 2020 that must be spent by 31 March 2021.
8. The Secretary of State does not consider the following expenditure as falling within the scope of additional or sustainable improvement:
  - employing coaches or specialist teachers to cover planning preparation and assessment (PPA) arrangements - these should come out of schools' core staffing budgets
  - teaching the minimum requirements of your existing PE curriculum
  - fund capital expenditure
9. The non-maintained special school must publish, on their website, information about their use of the premium by the end of the summer term or 31 July 2021 at the latest.
10. The non-maintained special school must publish:
  - the amount of premium received
  - a full breakdown of how it has been spent (or will be spent)
  - what impact the school has seen on pupils' PE and sport participation and attainment
  - how the improvements will be sustainable in the future
  - what percentage of pupils within their year 6 cohort for academic year 2020 to 2021 can do each of the following:
    - swim competently, confidently and proficiently over a distance of at least 25 metres
    - use a range of strokes effectively
    - perform safe self-rescue in different water-based situations
11. If selected, schools must also take part in a sampling review to scrutinise their compliance with these conditions.

### **Variation**

12. The basis for allocation of the premium may be varied by the Secretary of State from those set out above, if requested by the academy or free school or at the discretion of the Secretary of State.

### **Other conditions**

13. If the non-maintained special school fails to comply with the conditions set out in the paragraphs above, including but not limited to the non-maintained special school misusing the premium, the Secretary of State may require the repayment of the whole or any part of the premium paid to the non-maintained special school or the withholding of subsequent instalments of the premium.



14. This will be notified in writing to the non-maintained special school and any such sum that has been notified shall immediately become payable to the Secretary of State or withheld from future instalments of the premium.

### **Overpayments**

15. The Secretary of State will conduct a final reconciliation on the PE and Sport Grant funding. Any overpayment made to the non-maintained special school by the Secretary of State will either be recovered by the Secretary of State reducing future payments to recover any overpayments or the non-maintained special school will repay any overpayment within 30 days of receiving an invoice.

### **Further information**

16. The books and other documents and records relating to the recipient's accounts (for the purposes of this grant "recipient" is the academy or free school) shall be open to inspection by the Secretary of State and by the Comptroller and Auditor General.
17. The Comptroller and Auditor General may, pursuant to Section 6 of the National Audit Act 1983, carry out examinations into the economy, efficiency and effectiveness with which the recipient has used its resources in discharging its grant-aided activities.
18. The non-maintained special school shall provide such further information as may be required by the Secretary of State for the purpose of determining whether, or to what extent, it has complied with the conditions set out in this document.
19. Failure to provide this information may result in the Secretary of State requiring repayment of the whole or any part of the premium paid to the non-maintained special school, according to the method outlined in paragraph 5, or the withholding of subsequent instalments of the premium.

## **SCHEDULE 2: PAYMENT**

### **NON-MAINTAINED SPECIAL SCHOOL EDUCATION PAYMENTS**

1. The Department will make the payments set out in the Funding Agreement to this Schedule.
2. All payments by the Department for these Services will be made via BACS on or before the 20<sup>th</sup> of the month.
3. Under Item 5A to Group 6 of Schedule 9 of the VAT Act 1994, the supply of education or vocational training funded by the Department and the supply by the person providing that education or vocational training, of any goods or services essential to that provision, is considered to be an exempt supply for VAT purposes. The Department is generally unable to recover any Value Added Tax charged. The maximum funding payable under this Agreement, as set out in the Funding Agreement of this Schedule is inclusive of all of the costs of the Service including, but not limited to, and any other VAT or taxes to be charged, where they apply.

### **Funding Agreement**

4. The following Funding Agreement sets out the funding available for these Services (except where the Services are accessed by students via the SBSS).