



Education  
Funding  
Agency

# **Exceptional Funding Independent Review 2012/13 Desk Instructions**

**(Placement costs in excess of £35k  
above the highest EFA funding band)**

**Audience: Local Authorities**

**April 2012**

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## Annexes

- 1 Independent national review of exceptional funding requests in excess of £35,000 over the maximum funding levels published 2012/13**

## 1. Purpose

- 1.1 The purpose of this document is to set out the requirements for submission of learner files for placements under consideration by local authorities where costs are £35,000 above the highest Education Funding Agency (EFA)<sup>1</sup> independent specialist provider funding band (£103,829 residential and £80,247 day).

## 2. Introduction and Background

- 2.1 The independent review of exceptional funding was implemented by the Learning and Skills Council (LSC) during the 2008/09 academic year as part of a suite of budgetary controls; agreed and monitored by the Department for Education (DfE) and continued during 2010/11 and 2011/12 by the Young People's Learning Agency (YPLA).
- 2.2 DfE approval was granted for the EFA to continue the exceptional funding review for the 2012/13 academic year.
- 2.3 The threshold for review will be retained at £35,000 above the highest EFA published funding bands (£103,829 residential / £80,247 day) as detailed at Annex 4 of the Placement Information: Learners with Learning Difficulties and/or Disabilities at Independent Specialist Providers 2012/13.
- 2.4 The review process enables a nationally consistent approach for the consideration of placements at independent specialist providers for those young people who are assessed as requiring high levels of support. It also enables the sharing of effective practice.
- 2.5 The review arrangements are referenced at paragraphs 43 (see below) and 68 to 78 of the Placement Information 2012/13 and paragraphs 6 to 9 and Annex 7 – TG of the Placement Technical Guidance 2012/13.

### Para.

- 43 Where placement costs include exceptional funding in excess of £35,000 over the published support bands rates, these will be subject to an independent review commissioned by the YPLA<sup>1</sup>.  
**This independent review must be undertaken (where costs exceed 35,000) before the local authority submits Annex 6 – TG to the YPLA<sup>1</sup> and before an individual learner schedule and payment can be generated.**

## 3. Review Process

- 3.1 Each review will be undertaken by an experienced independent expert, commissioned following an open and competitive tendering exercise.

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<sup>1</sup> Following passage of the Education Bill, the YPLA was dissolved on 30 March 2012, and on 2 April the Education Funding Agency (EFA) began operating. The EFA will cover all education funding from ages 3 to 19 and is one of four executive agencies that form part of the Department for Education family.

- 3.2 The reviews will be funded from the EFA Learners with Learning Difficulties and/or Disabilities central budget.
- 3.3 The purpose of the review is not for the independent expert to make a decision on behalf of the local authority but to provide recommendations to support their decision making processes.

## 4. Review Findings

- 4.1 Findings from the 2011/12 review will be available during autumn 2012 following completion of the project.
- 4.2 Local authorities may find the 2010/11 review findings useful as part of their own review procedures:

### **Good Practice Identified**

- Increased funding from other agencies i.e. Social Care for new placements and/or in-year/continuing placements being sought;
- Exceptional funding cost discussions forming part of multi-disciplinary panel, to secure other agency funding;
- Comprehensive and detailed placement information submitted for review evidencing a clear rationale for the placement decision;
- Thorough and informative S139a/Learning Difficulty Assessments;
- Thorough and informative pre-entry provider assessments.

### **Lessons Learnt/Considerations for the Future**

- Provider pre-entry assessments poor in some instances;
- Average staff costs are high for the support being suggested;
- Providers claiming increased levels of support for continuing learners;
- Funding being requested for equipment that would form part of a providers 'core' infrastructure;
- No evidence in cases that a local package of multi-agency funded provision has been considered or researched;
- Local provision decision made in some instances without the learner being assessed by a local provider;
- Costs from other funding agencies i.e. Social Care not sought or considered;
- Residential education placement being sought for young people who have not made any signification education progress and/or on completion may progress to supported accommodation;
- Education funding being sought for personal care purposes, with no evidence of Health Authority being asked/approached to fund part of the placement costs;
- Funding confirmed by local authority before case submitted for review.

## 5. Placements in Scope for Review

5.1 The placements in scope for review are:

- new learner placements for 2012/13 whose exceptional funding costs are £35,000 or more, than the highest funding band (i.e. £103,829 residential / £80,247);
- changes to current/continuing learner placements that take existing costs to, or above, the £35,000 exceptional funding threshold;
- placements not previously submitted for review, whose exceptional funding costs are £35,000 or more i.e. programme commenced in 2011/12 but not submitted for review; and
- placements that have already been subject to exceptional funding review (by LSC, YPLA or EFA) but the costs have increased.

5.2 Local authorities can contact Anita Flora or Cheryl Lynch of the National EFA LLDD team (see paragraph 9.1 for contact details) to confirm if a file has been subject to review in previous years.

## 6. Decision Making Process

6.1 As detailed at paragraphs 68-78 of the Placement Information 2012/13, local authorities should consider the request to the point at which a placement would be offered to the learner (paragraph 70) but the decision should not be confirmed until the file has been forwarded to the EFA and the independent expert recommendations have been considered. This is because further action may be required.

## 7. Process for Submission of Files

7.1 In order to maintain a consistent approach across all local authorities and to ensure that files are reviewed within a timescale of 14 days (as detailed in the Placement Information 2012/13 – paragraph 74), files should be submitted in accordance with the following:

- |       |  |  |
|-------|--|--|
| 7.1.1 | LLDD team to be advised when a file is being submitted for review and expected arrival (contact information is detailed at paragraph 9.1 and submission address at 7.1.4).   | <b>Actioned by</b><br>Learner's home<br>LA |
| 7.1.2 | The file should be submitted, with a completed exceptional funding review pro forma (annex 1):<br>a. Key documents should be tabbed and numbered to correspond with the pro forma i.e. school report would be tab 3 (to assist the independent expert reviewing the file to locate information); and | Learner's home<br>LA                       |

	<b>Action by</b>
<p>b. At section 2 of the pro forma, local authorities should detail whether they support the exceptional funding request:</p> <ul style="list-style-type: none"> <li>• if the request is supported – details of evidence and rationale; or</li> <li>• if not supported details of reasons why.</li> </ul>	<p>Learner's home LA</p>
<p>7.1.3 The file submitted should include <b>all</b> information/evidence used by the local authority when considering a placement as part of their decision making processes, including but not limited to:</p> <ul style="list-style-type: none"> <li>▪ Annex 6 – TG<sup>2</sup>: Confirmation of Agreed Provision 2012/13 (Placement Technical Guidance 2012/13);</li> <li>▪ Annex 7 – TG<sup>2</sup> – Exceptional Funding Request Summary Form (Placement Technical Guidance 2012/13); or</li> <li>▪ Learning Difficulty Assessment/S139A.</li> </ul>	<p>Learner's home LA</p>
<p>7.1.4 The file and completed pro forma should be sent securely to Cheryl Lynch/Anita Flora, LLDD team, Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.</p>	<p>Learner's home LA</p>
<p>7.1.5 Due to the sensitivity of information being transported and in accordance with the EFA's information security requirements, the file should be sent:</p> <p>a. By Special Delivery only or equivalent service i.e. guaranteed next day delivery and trackable (not by recorded delivery or first/second class post); and</p> <p>b. Double sealed (one envelope inside another):</p> <ul style="list-style-type: none"> <li>▪ The outer envelope should bear no indication to the sensitivity of the information – it can be marked "For addresses only" or "For the personal attention of"; and</li> <li>▪ The inner envelope should be marked "Protect – Private" and include the name and address of the recipient.</li> </ul>	<p>Learner's home LA</p>
<p>7.1.6 An independent expert will be assigned to review the file.</p>	<p>LLDD Team</p>
<p>7.1.7 The LLDD team will confirm receipt of the file to the named local authority contact, detailed on the pro forma.</p>	<p>LLDD Team</p>

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<sup>2</sup> Note: Where applicable, area uplift figures should not be included by the independent specialist provider in the costs submitted. These will automatically be applied by the EFA when the individual learner schedule is raised.

7.1.8 The file will be forwarded to an independent expert using the same secure method as described at paragraph 7.1.5 above.	<b>Action by</b> LLDD Team
7.1.9 The expert will review the file and make recommendations to the local authority on: a. The strength of evidence and appropriateness of support and/or costs made in the exceptional funding request; and b. Suggestions for any additional information or clarification that might assist the local authority in confirming its decision on whether to agree to fund the placement.	Independent expert
7.1.10 The expert will contact the person named on the pro forma to make arrangements to return the file, using the same method as detailed at paragraph 7.1.5: a. If the contact is likely to be out of the office i.e. on annual leave an alternative contact should be detailed on the pro forma: • The file will not be returned until the independent expert is able to confirm either the named contact or representative is available to receive the file. b. The file will be reviewed and returned directly to the local authority contact within 14 working days (from receipt at the EFA national office).	Independent expert
7.1.11 Once the file has been returned to the local authority, notification of receipt should be submitted to Cheryl Lynch/Anita Flora of the LLDD team (contact details at paragraph 9.1).	Learner's home LA
7.1.12 An electronic copy (encrypted) of the experts comments will be sent to the local authority contact named on the pro forma, following completion of the review.	LLDD team

## 8. 2012/13 Review Evaluation

8.1 As part of the 2012/13 exceptional funding review the EFA national LLDD team via territory inclusion colleagues may contact local authorities, who have submitted learner files to gain feedback on the processes and to measure the impact of the recommendations made by the independent expert on the placement process. This may include, for example, evidence of additional cost savings made via increased contributions from other agencies.

- 8.2 During the 2010/11 evaluation 70 per cent of local authorities participating found the independent expert recommendations helpful (very helpful 35%/helpful 35%) and had supported their decision making processes, expanded their knowledge, and highlighted additional information that may be useful in making the placement decision.

## 9. Contact Details

- 9.1 To confirm submission/receipt of a file, or clarify if a file is in scope for review, contact:

Richard Stockton                      LLDD Co-ordinator  
[Richard.STOCKTON@education.gsi.gov.uk](mailto:Richard.STOCKTON@education.gsi.gov.uk)                      T: 01325 735862

Tracy Mitchell                              LLDD Programme Manager  
[Tracy.MITCHELL@education.gsi.gov.uk](mailto:Tracy.MITCHELL@education.gsi.gov.uk)                      T: 024 7666 0344  
M: 07825 863 836

Education Funding Agency  
Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH

- 9.2 Enquiries relating to the exceptional funding process or LLDD specific queries, should be directed to the EFA territory inclusion team.

Author:                              Tracy Mitchell  
Date Created:                      August 2012





# Education Funding Agency

## Independent National Review of exceptional funding requests in excess of £35,000 over maximum levels published for 2012/13

Pro forma – please attach this to the learner file

### 1. To be completed by the learner’s home local authority

Local Authority	
Contact Name	
Address where learner file should be returned to (via special delivery)	
Contact Telephone number	
Contact Email address	
Date Sent to National EFA	
Name of Learner	
Name of Provider	
New placement / Continuing placements (costs increased) – delete as applicable	
<b>Evidence – please confirm by ticking the relevant box whether the following evidence has been included within the learner file and tabbed with the corresponding number. For further guidance refer to Annex 6 of the <i>Placement Information 2012/13</i></b>	
1. A learning difficult assessment/S139A <b>must</b> be included or details of assessment that is in progress (in order to fall within the remit of EFA funding)	
2. The most recent review of a learner’s Statement of SEN	
3. School report or a report from the learner’s previous placement	
4. A relevant and up to date social care report	
5. A relevant and up to date medical or psychological report	
6. A relevant and up to date report from local provider(s) that may be able to meet the education and training needs of the learner identified through transition planning	
7. A report from the independent specialist provider (ISP) in respect of which the application is made, detailing the provision being offered and how this will meet the learner’s assessed education and training needs as set out in the learning difficulty assessment/S139A. The pre-entry assessment report of a learner by an ISP should include the following (which should be tabbed within the learner file): * <b>Confirmation of when the learner assessment took place</b> , its duration and its content and any supporting evidence that has been considered to inform the assessment * <b>the start and end date of the proposed placement</b>	

<p>* <b>a statement that clearly outlines how the provision matches the education and training needs of the learner</b>, including identification of the skills that the learner needs to acquire across the curriculum. This should include the initial identification of relevant and realistic education and training goals, as well as a clear definition of the learner's primary learning goal. It should also include details of accredited and non-accredited aims and the expected timescales for achievement. The report must stipulate whether any elements of the provision will be the responsibility of another provider</p> <p>* <b>A clear outline of the support</b> that will be put in place for the learner, both to enable the achievement of learning and training aims, and to support his or her personal care and/or medical needs</p> <p>* <b>Assessments by specialists</b>, as appropriate (speech and language therapists, for example)</p> <p>* <b>Annex 6 – TG</b> (<i>Placement Technical Guidance 2012/13</i>) identifying the individual support required by the learner, and thus the appropriate level of funding – <b>must</b> be included</p>	
8. Other relevant reports – list and identify by number opposite and include correspondent tabs in learner file	
9. Has a placement meeting date been set?	
10. Annex 7 – TG ( <i>Placement Technical Guidance</i> ) Exceptional Funding Request Summary Form <b>must</b> be included	

**2. Considering the information submitted, please detail:**

- a. whether you support the exceptional funding request, including details of reference to evidence and/or rationale?

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- b. whether you don't support the exceptional funding request, including details of reasons why?

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Please securely post by Special Delivery (as described in desk instructions issued April 2012) the learner file and this pro forma to Richard Stockton/Tracy Mitchell, LLDD Team Manager, Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

**3. To be completed by National EFA team**

Date received from Local authority	
Date independent expert allocated	
Date forwarded to independent expert	

Signed..... Date .....

**4. To be completed by the Independent Expert**

Date received	
Date local authority contacted to arrange learner file to be returned (include name of the person arrangements were made with)	
Date learner file returned to local authority contact by Special Delivery	

**5. To be completed by the Local authority contact**

Date received by local authority and EFA national office informed	
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# Specialist Independent Expert Report

PLEASE COMPLETE EITHER STATEMENT

## STATEMENT ONE

I have considered the information provided in support of the request for additional funding and take the view that there is sufficient evidence for the placement to be considered by the local authority:

In reaching this view I have considered the following:

- the nature of education and training support needs as described in the file
- the education and training programme and learner aspirations
- previous education and training experiences, achievements and support
- learner reviews
- resources (human and physical) available to the independent specialist provider
- the costs being claimed, and rates used

Signed..... Date.....

*Comments*

**OR**

**STATEMENT TWO**

I have considered the information provided in support of the request for exceptional funding over £35,000 and would make the following observations for consideration by the Local Authority, which they may wish to pursue with either the independent specialist provider and/or other funding agencies

*Outstanding issues/issues for clarification*

*Additional comments*

In reaching this view I have considered the following:

- the nature of education and training support needs as described in the file
- the education and training programme and learner aspirations
- previous education and training experiences, achievements and support
- learner reviews
- resources (human and physical) available to the specialist provider
- the costs being claimed, and rates used

Signed .....

Date.....



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