

## SCHEDULE 1: SPECIFICATION & MONITORING

### 16-19 EDUCATION SPECIFICATION

#### Definitions

<p><b>“16-19 Education Financial Support for Students Advice”</b></p>	<p>Means</p> <p><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>
<p><b>“16-19 Education ILR Funding Returns Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/government/publications/advice-individualised-learner-record-ilr-returns">https://www.gov.uk/government/publications/advice-individualised-learner-record-ilr-returns</a></p>
<p><b>“16-19 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-2019-to-2020">https://www.gov.uk/government/publications/16-to-19-funding-allocations-supporting-documents-for-2019-to-2020</a></p>
<p><b>“16-19 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>“16-19 Student Support Funding Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/16-to-19-bursary-fund-guide-2019-to-2020-academic-year">https://www.gov.uk/guidance/16-to-19-bursary-fund-guide-2019-to-2020-academic-year</a></p> <p><a href="https://www.gov.uk/guidance/16-to-19-funding-free-meals-in-further-education-funded-institutions-for-2019-to-2020">https://www.gov.uk/guidance/16-to-19-funding-free-meals-in-further-education-funded-institutions-for-2019-to-2020</a></p> <p><a href="https://www.gov.uk/guidance/16-to-18-residential-bursary-fund-guide-2019-to-2020-academic-year--2">https://www.gov.uk/guidance/16-to-18-residential-bursary-fund-guide-2019-to-2020-academic-year--2</a></p> <p><a href="https://www.gov.uk/guidance/16-to-18-residential-support-scheme-for-academic-year-2019-to-2020">https://www.gov.uk/guidance/16-to-18-residential-support-scheme-for-academic-year-2019-to-2020</a></p>
<p><b>“Basic Maths Pilot Funding Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/post-16-basic-maths-premium-pilot">https://www.gov.uk/guidance/post-16-basic-maths-premium-pilot</a></p>

<b>“Basic Maths Pilot”</b>	Means a pilot project running in selected areas to assess the effectiveness of different funding approaches in improving basic maths outcomes.
<b>“Capacity and Delivery Funding”</b>	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.
<b>“Education, Care and Health Plan”</b>	Means a support plan as defined in section 37(2) of the <a href="#">Children and Families Act 2014</a>
<b>“Employer Support Fund Pilot Guidance”</b>	Means <a href="http://www.gov.uk/government/publications/employer-support-fund-pilot-academic-year-2019-to-2020">www.gov.uk/government/publications/employer-support-fund-pilot-academic-year-2019-to-2020</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 2019 to 2020 <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://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/723525/Guidance_on_completing_the_industry_placement_capacity_and_delivery_fund_CDF_monitoring_form.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/723525/Guidance_on_completing_the_industry_placement_capacity_and_delivery_fund_CDF_monitoring_form.pdf</a>
<b>“High Needs Funding Guidance”</b>	Means <a href="https://www.gov.uk/government/publications/high-needs-funding-arrangements-2019-to-2020">https://www.gov.uk/government/publications/high-needs-funding-arrangements-2019-to-2020</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 2018-2019

	<p><a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-2019-to-2020-for-providers-not-in-receipt-of-cdf-in-2018-to-2019-academic-year">https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-2019-to-2020-for-providers-not-in-receipt-of-cdf-in-2018-to-2019-academic-year</a></p> <p>Capacity Development Fund guidance for those in receipt of Capacity &amp; Delivery Funding in 2018-2019</p> <p><a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-academic-year-2019-to-2020">https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-academic-year-2019-to-2020</a></p>
<b>“Maths and English Conditions of Funding Guidance” and “Conditions of Funding”</b>	<p>Means</p> <p><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>
<b>“Qualifications”</b>	<p>Means the Department List of Qualifications approved for funding 14 to 19</p> <p><a href="https://section96.education.gov.uk/">https://section96.education.gov.uk/</a></p>
<b>“Qualifying Learner”</b>	<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</p> <p><a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-academic-year-2019-to-2020">https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-academic-year-2019-to-2020</a></p>
<b>“SEND Code of Practice”</b>	<p>Means</p> <p><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>
<b>“Student Bursary Support Service (SBSS)”</b>	<p>Means</p> <p><a href="https://studentbursary.education.gov.uk/w/webpage/student-bursary">https://studentbursary.education.gov.uk/w/webpage/student-bursary</a></p>
<b>“Study Programme”</b>	<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.</p> <p><a href="https://www.gov.uk/government/publications/16-to-19-study-programmes-guide-for-providers/16-to-19-study-programmes-guidance-2019-to-2020-academic-year">https://www.gov.uk/government/publications/16-to-19-study-programmes-guide-for-providers/16-to-19-study-programmes-guidance-2019-to-2020-academic-year</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>“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>

## Summary of Services

1. The Services are the delivery of Study Programmes and support for Learners aged 16 to 19 and for all High Needs Learners, including 16-18 traineeships.
2. 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](#).
3. 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 commissioning local authority which is responsible for meeting the Learner’s needs. The Department will fund the Provider as follows:
  - a. for High Needs Learners aged 16 to 18 and 19 to 25 where they are subject to an Education Health and Care Plan, the Department will pay the Provider an amount, based on the published standard 16 to 19 funding formula (Element 1), and
  - b. a sum of £6,000 per annum, for each planned place declared by local authorities for High Needs Learners (Additional Support Funding – Element 2).
4. Top-up funding (Element 3) is funding required by the Provider above the 16 to 19 funding formula and additional support funding (Elements 1 and 2) to meet the total cost of education provision required by 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 (Element 3) funding paid by the local authority to the Provider.
5. The Services to be funded by the Department and delivered pursuant to this Agreement will be:
  - a. the delivery of education provision for Learners, other than High Needs Learners, aged 16 to 18, funded based on the published standard 16 to 19 funding formula; and

- b. the delivery of core education and additional support, up to the cost indicated by the per place funding thresholds specified above and an amount based on the published standard 16 to 19 funding formula (Elements 1 and 2), for all High Needs Learners. A separate contract will be entered into by the local authority and the Provider, where appropriate, to specify the terms and conditions governing any top-up (Element 3) funding paid by the local authority to the Provider.
6. The legal basis for this Service is Section 14 Education Act 2002.
7. The documents listed in the Definitions of this Schedule are those documents produced by the Department which constitute the Funding Rules for these Services.

### **Services Commencement and Duration**

8. 16-19 Education Services Start Date: 1<sup>st</sup> August 2019
9. 16-19 Education Services Expiry Date: 31<sup>st</sup> October 2020 (final data submission).

### **Service Requirements**

#### Recruitment

10. The Provider shall recruit eligible Learners onto these Services from the Services Start Date. New Learners must not be recruited after 31<sup>st</sup> July 2020.
11. The recruitment must comply with the Funding Regulations.
12. All Learners must be enrolled on a Study Programme.
13. 16-19 Education covers the following groups of young people who are:
  - a. Aged 16 to 19;
  - b. Aged 19 to 24 and have an Education, Health and Care Plan; or

#### Outputs

##### 16-19 Education Delivery

14. The Provider will deliver an eligible Study Programme as set out in the Funding Regulations for the Funding Year.
15. The Provider will take steps to ensure as many Learners as possible achieve their Study Programmes. The Department will monitor the achievement rate as part of an overall risk assessment.

16. The Provider will take steps to ensure they spend the allocated funding in the Funding Year.
17. The Provider will maintain evidence of the delivery of the Services as set out in the Funding Regulations.
18. The Provider will deliver traineeships to the requirements set out in the Traineeships Funding Guidance.
19. As set out in the Maths & English Condition of Funding Guidance, the Provider must ensure Learners study maths and/or English as part of their Study Programme in each academic year where the Learners are:
  - a. aged 16 to 18 and 19 to 25 with an Education, Health and Care Plan 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.
20. Where the Provider is engaged in the Basic Maths Pilot, the Provider must comply with the requirements set out in the Basic Maths Pilot Funding Guidance.
21. The Provider will support eligible Learners to take part in their Study Programme through the provision of bursary funding, including for free meals and accommodation as set out in the 16-19 Student Support Funding Guidance and 16-19 Education Financial Support for Students Advice.
  - a. 16 to 19 Bursary Fund – provision of financial support to help 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 Learners;
  - c. Residential Bursary Fund – provision of support towards accommodation costs for eligible 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 Learners who cannot access the same or similar substantial Level 2 or Level 3 Qualification within a reasonable daily travelling distance.
22. Where the financial support is for a bursary for an eligible 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 16-19 Student Support Guidance and 16-19 Education Financial Support for Students Advice.

23. The Provider will support eligible 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 25 (if they have an Education Health and Care Plan in place).
24. The Provider will support eligible Learners to complete an Industry Placement, as set out in the Industry Placement Guidance.
25. Where the Provider is engaged in the delivery of Employer Support Fund Pilot, the Provider must comply with the requirements set out in Employer Support Fund Pilot Guidance.
26. Where the Provider is engaged in the delivery of T-Levels, the Provider must comply with the requirements set out in How T-Levels Will Be Funded In 2020-21.
27. 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.
28. 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 Learners appropriate to their needs; and
  - d. Meets the public benefit test.

#### 16-19 Education Delivery Administration

29. Where the Services are delivered by the Provider and continued from the 2018 to 2019 Funding Year, the Provider must migrate data for continuing Learners from the 2018 to 2019 ILR to the 2019 to 2020 ILR in the first ILR data return for 2019 to 2020, as set out in Appendix B of the ILR specification.
30. The Provider will submit Learner Data to the Department to comply with Clause 21, Submission of Learner Data. This will include a data submission for Bursary funding, as set out in the 16-19 Student Support Funding Guidance.
31. The Provider must complete the Learner's Study Programme on or before the planned end date in the data submitted in the ILR. Where the Provider misses this date, the Department may consider this a Minor Breach of the Agreement.
32. The Provider shall submit funding claims in line with Schedule 1B, 16-19 Education Monitoring.

33. The Provider must keep the Department informed of any changes to their bank details.

**The Department**

34. The Department will pay for the Services as set out in Schedule 2, 16-19 Education Payments.

35. The Department will monitor the Services as set out in Schedule 1B, 16-19 Education Monitoring.



## **SCHEDULE 1B: MONITORING**

### **16-19 EDUCATION MONITORING**

#### **Monitoring of ILR Submission for 16-19 Education Delivery**

1. Providers must ensure ILR submissions are made in accordance with 16-19 Education ILR Funding Returns Guidance.
2. The Department will monitor and review the data submitted under Clause 21, Submission of Learner Data of this Agreement for all in-year monitoring purposes.
3. This data is used to determine future funding allocations in accordance with 16-19 Education Allocations Supporting Documents.
4. Where data is incorrect in the final data submission of the academic year the Department will amend or determine future funding allocations to recover the payments associated with the incorrect data.

#### **16-19 Education Performance Management**

5. The Department may increase funding for the Provider. The Department will award additional funding for exceptional in-year growth in line with the criteria set out in the Funding Rates and Formula Guidance.

#### **16-19 Education Delivery Reconciliation**

6. The Department will reconcile the outturn against the funding paid. The Provider will submit a final claim to the timescales in the 16-19 Education ILR Funding Returns Guidance. Failure to submit a final claim to the published timescales will be a Serious Breach of this Agreement and any reconciliation will be at the Department's discretion.
7. Payments from the Department will be reconciled in-year to the volume and value of Study Programmes delivered and compare this to the funding paid to the timetable published in the 16-19 Education ILR Funding Returns 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 this Agreement or any other Agreement between the Parties, for current or subsequent months or years accordingly.
8. 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 value set out in Schedule 2, 16-19 Education Payments.

9. A review will take place at the end of the period of this Agreement in respect of the Provision specified in Schedule 1, 16-19 Education 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, 16-19 Education 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 allocation value specified in Schedule 2, 16-19 Education Payments

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

10. 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 2019/20 Capacity and Delivery Fund allocation and recover funding paid if the monitoring form is not completed and submitted to the requirements set out in the guidance.
11. Where the Provider is in receipt of funding under the Industry Placement Capacity and Delivery Fund and fails to deliver a minimum number of Industry placements equivalent to 20% of the number of Qualifying Learners on full time level 2 and/or level 3 vocational and technical programmes in 2017 to 2018 academic year with the allocated Capacity and Delivery Fund, 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.
12. Where the Provider is in receipt of funding under the Industry Placement Capacity and Delivery Fund, 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.

## **SCHEDULE 2: PAYMENT**

### **16-19 EDUCATION PAYMENT**

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).