

## SCHEDULE 1: SPECIFICATION & MONITORING

### NON-MAINTAINED SPECIAL SCHOOL SPECIFICATION

#### Definitions

#### Pre 16 Education Definitions

<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="#">High needs funding arrangements: 2021 to 2022 - GOV.UK (www.gov.uk)</a>
<b>“NMSS Regulations”</b>	Means the Non-Maintained Special School (England) Regulations 2015 <a href="https://www.legislation.gov.uk/uksi/2015/728/contents/made">https://www.legislation.gov.uk/uksi/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>“PE and Sport Premium Conditions of Grant”</b>	Means <a href="#">PE and sport premium: conditions of grant 2021 to 2022 - 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”</b>	Means <a href="#">Pupil premium - GOV.UK (www.gov.uk)</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>“Recovery Premium Funding”</b>	Means <a href="https://www.gov.uk/government/news/recovery-premium-funding-2021">Recovery premium funding - GOV.UK (www.gov.uk)</a>
<b>“Recovery Premium Funding: Conditions of Grant”</b>	Means <a href="https://www.gov.uk/government/news/coronavirus-recovery-premium-funding-allocations-2021">Coronavirus (COVID-19) recovery premium funding: allocations - GOV.UK (www.gov.uk)</a>
<b>“School-led Tutoring Grant”</b>	Means <a href="https://www.gov.uk/government/news/school-led-tutoring-grant-2021">School-led tutoring grant - GOV.UK (www.gov.uk)</a>
<b>“School-led Tutoring: Conditions of Grant”</b>	Means <a href="https://www.gov.uk/government/news/school-led-tutoring-conditions-of-grant-2021">School-led tutoring: conditions of grant - GOV.UK (www.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: Conditions of Grant”</b>	Means <a href="https://www.gov.uk/government/news/teachers-pay-grant-allocations-2021-2022">Teachers’ pay grant: allocations for 2021 to 2022 financial year - GOV.UK (www.gov.uk)</a>
<b>“Universal Infant Free School Meals: Conditions of Grant”</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>	<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>
<b>“16 to 19 Education: Funding Allocations Supporting Documents”</b>	<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="#">16 to 19 funding allocations supporting documents for 2021 to 2022 - GOV.UK (www.gov.uk)</a></p>
<b>“16 to 19 Education: Funding Guidance”</b>	<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>
<b>“16 to 19 Student Support Funding Guidance”</b>	<p>Means</p> <p><a href="#">16 to 19 Bursary Fund guide 2021 to 2022 academic year - GOV.UK (www.gov.uk)</a></p> <p><a href="#">Free meals in further education funded institutions: guide for the 2021 to 2022 academic year - GOV.UK (www.gov.uk)</a></p> <p><a href="#">Residential Bursary Fund: Guide for the 2021 to 2022 academic year - GOV.UK (www.gov.uk)</a></p> <p><a href="#">Residential Support Scheme 2021 to 2022 academic year - GOV.UK (www.gov.uk)</a></p>
<b>“16-19 Tuition Fund”</b>	<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>
<b>“16-19 Tuition Fund Guidance”</b>	<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>
<b>“Education, Health and Care Plan”</b>	<p>Means a support plan as defined in section 37(2) of the <a href="#">Children and Families Act 2014</a></p>

<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 2021 to 2022 <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>“High Needs Funding Guidance”</b>	Means <a href="https://www.gov.uk/government/publications/high-needs-funding-arrangements-2021-to-2022">High needs funding arrangements: 2021 to 2022 - GOV.UK (www.gov.uk)</a>
<b>“Maths and English Condition of Funding Guidance” and “Condition of Funding”</b>	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>
<b>“matrix Standard”</b>	Means <a href="https://matrixstandard.com/">https://matrixstandard.com/</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>“Student Bursary Support Service (SBSS)”</b>	Means <a href="https://studentbursary.education.gov.uk/w/webpage/student-bursary">https://studentbursary.education.gov.uk/w/webpage/student-bursary</a>
<b>“Study Programme”</b>	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. <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>
<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>“Teachers’ Pay Grant: Conditions of Grant”</b>	Means <a href="https://www.gov.uk/government/publications/teachers-pay-grant-allocations-for-2021-to-2022-financial-year">Teachers’ pay grant: allocations for 2021 to 2022 financial year - GOV.UK (www.gov.uk)</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”</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 NMSS 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 NMSS 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 NMSS, where appropriate, to specify the terms and conditions governing any top-up funding paid by the local authority to the NMSS.
4. The legal bases for these Services are Section 14 Education Act 2002.
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 NMSS £10,000 per annum.
9. The payment referred to under paragraph 8 is the only payment the Department will make to the NMSS under this Agreement unless the NMSS qualifies for an additional payment under paragraphs 22 to 28 and 35 to 38 of this Schedule.

### **Services Commencement and Duration**

10. Non-Maintained Special School Services Start Date: 1<sup>st</sup> August 2021
11. Non-Maintained Special School Services Expiry Date: 31<sup>st</sup> July 2022

### **Service Requirements**

#### Admissions

12. The NMSS shall admit eligible High Needs Pupils and Learners onto these Services from the Services Start Date.
13. The NMSS 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 NMSS must admit all children and young people with an Education, Health, and Care Plan naming the NMSS.
15. The NMSS 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 NMSS will deliver eligible Pre 16 Education to High Needs Pupils as set out in the NMSS Regulations for the Funding Year.

17. The NMSS will take steps to ensure it spends the allocated funding in the Funding Year.
18. The NMSS will maintain evidence of the delivery of the Services to support the information provided in the School Census. In all circumstances the NMSS must retain attendance and enrolment records.
19. The NMSS 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 NMSS 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 NMSS 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 NMSS is in receipt of PE and Sport Premium, the NMSS will deliver the PE and Sport Premium to the requirements set out in PE and Sport Premium: Conditions of Grant.
23. Where the NMSS is in receipt of Pupil Premium, the NMSS will deliver the Pupil Premium to the requirements set out in Annex 2 to this Schedule 1 – Pupil premium: conditions of grant 2021 to 2022 (Non maintained special school).
24. Where the NMSS is in receipt of Recovery Premium Funding, the NMSS will deliver the Recovery Premium Funding to the requirements set out in the Recovery Premium Funding: Conditions of Grant.
25. Where the NMSS is in receipt of Universal Infant Free School Meals, the NMSS must comply with the Universal Infant Free School Meals: Conditions of Grant.
26. Where the NMSS is in receipt of School-led Tutoring Grant, the NMSS must comply with the School-led Tutoring: Conditions of Grant.
27. Where the NMSS is in receipt of the Teachers' Pay Grant, the NMSS must comply with the Teachers Pay Grant: Conditions of Grant.
28. Where eligible, the NMSS 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

29. The NMSS 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.

30. The NMSS 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.
31. The NMSS will take steps to ensure it spends the allocated funding in the Funding Year.
32. The NMSS will maintain evidence of the delivery of the Services to High Needs Pupils and High Needs Learners as set out in the Funding Regulations.
33. Where the NMSS delivers traineeships to High Needs Pupils and High Needs Learners, delivery must meet the requirements set out in the Traineeships Funding Guidance.
34. As set out in the Maths & English Condition of Funding Guidance, the NMSS 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.
35. Where the High Needs Pupils and High Needs Learners are aged 16 to 19 are eligible, the NMSS 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.



36. 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 NMSS 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.
37. The NMSS 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.
38. Where the NMSS is engaged in the delivery of activity funded through the 16-19 Tuition Fund, the NMSS must comply with the requirements set out in the 16-19 Tuition Fund Guidance.
39. The NMSS 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 NMSS 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 NMSS 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 NMSS, the requirements set out in sub-paragraphs 39.a and 39.b must be applied to the sub-contractor. This does not apply where the NMSS 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 NMSS must continue to demonstrate their continuous improvement via annual continuous improvement checks with the matrix Standard assessor.

#### Non-Maintained Special School Delivery Administration

40. The NMSS will submit Pupil Data to the Department to comply with Clause 21, Submission of Pupil Data.
41. The NMSS must keep the Department informed of any changes to their bank details.

42. In addition to the obligations set out in Clause 30, Sub-Contracting, the NMSS will adhere to the requirements set out in the Sub-Contracting Controls.
43. The NMSS 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 and as amended from time to time.

#### **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 NMSS's actual delivery will result or has already resulted in an overpayment to the NMSS by the Department, the Department reserves the right to deduct the amount owed from payments due to the NMSS under the Agreement or any other Agreement between the Parties, for current or subsequent months or years accordingly.
3. Where the NMSS's actual delivery has resulted in an underpayment to the NMSS by the Department, the Department is under no obligation to provide additional funding or to adjust the amount due to the NMSS 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 NMSS 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 NMSS 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.

**Schedule 1 Annex 1**

**NOT USED**

## Schedule 1 Annex 2

### Pupil premium: conditions of grant 2021 to 2022 (Non-Maintained Special Schools)

#### 1. Introduction

The Secretary of State for Education lays down the following terms and conditions on which assistance is given in relation to the pupil premium grant (PPG) payable to NMSS for the financial year beginning 1 April 2021.

PPG provides funding for 2 separate policies:

- raising the attainment of disadvantaged pupils of all abilities to reach their potential
- supporting children and young people with parents in the regular armed forces

#### 2. Rates for eligible pupils

The PPG per-pupil rate for 2021 to 2022 is as follows:

Disadvantaged pupils	Pupil premium per pupil
Pupils in year groups reception to year 6 recorded as Ever 6 free school meals (FSM) as well as eligible children with no recourse to public funds (NRPF) pupils in these year groups	£1,345
Pupils in years 7 to 11 recorded as Ever 6 FSM as well as eligible NRPF pupils in these year groups	£955
Looked-after children (LAC) defined in the Children Act 1989 as one who is in the care of, or provided with accommodation by, an English local authority	£2,345
Children who have ceased to be looked after by a local authority in	£2,345

England and Wales because of adoption, a special guardianship order, or child arrangements order (previously known as a residence order)	
<b>Service children</b>	<b>Service premium per pupil</b>
Pupils in year groups reception to year 11 recorded as Ever 6 service child or in receipt of a child pension from the Ministry of Defence	£310

### **3. Eligibility**

#### **3.1. Ever 6 free school meals children**

For NMSS, the pupil premium for 2021 to 2022 will include pupils recorded in the October 2020 school census who have had a recorded period of FSM eligibility since January 2015, as well as those first recorded as eligible at October 2020.

For the purposes of these grant conditions, these pupils are collectively referred to as Ever 6 FSM.

#### **3.2. Children with no recourse to public funds (NRPF)**

For 2021 to 2022, pupil premium eligibility is being extended to pupils eligible for free school meals under the temporary extension set out in the coronavirus (covid-19): temporary extension of free school meals eligibility to NRPF groups guidance. As these pupils are not registered as eligible in the school census, eligible schools will need to make a claim for additional pupil premium funding for these pupils.

Further details on the claims process for these pupils will be published in due course.

#### **3.3. Children adopted from care or who have left care**

For NMSS, the pupil premium for 2021 to 2022 will include pupils recorded in the October 2020 school census, who were looked after by an English or Welsh local authority immediately before being adopted, or who left local authority care on a special guardianship order or child arrangements order (previously known as a residence order). These are collectively referred to as post-LAC in these conditions of grant.

### **3.4. Ever 6 service children**

For NMSS, the service premium for 2021 to 2022 will include pupils recorded in the October 2020 school census who have been eligible for the service child premium at any point since the January 2015 census as well as those recorded as a service child for the first time in the October 2020 school census.

For the purposes of these grant conditions, these pupils are collectively referred to as Ever 6 service children. Service children are not regarded as disadvantaged; their premium is allocated for pastoral support purposes.

## **4. Allocations to NMSS**

For NMSS, Education and Skills Funding Agency (ESFA) will allocate PPG to NMSS the following amounts:

- £1,345 per pupil for each Ever 6 FSM FTE and each eligible NRPF FTE pupil, aged 4 and over in year groups reception to year 6, except where the pupil is allocated the LAC or post-LAC premium
- £955 per pupil for each Ever 6 FSM FTE and each eligible NRPF FTE pupil, in year groups 7 to 11, except where the pupil is allocated the LAC or post-LAC premium
- £2,345 per pupil for each post-LAC in year groups reception to year 11
- £310 for each pupil aged 4 and over in year groups reception to year 11, who is either Ever 6 service child FTE or in receipt of pensions under the Armed Forces Compensation Scheme (AFCS) and the War Pensions Scheme (WPS)

PPG will be allocated on the basis of sole and dual main registrations only.

Where national curriculum year groups do not apply to a pupil, the pupil will attract PPG if aged 4 to 15 as recorded in the October 2020 school census for mainstream and special schools.

## **5. NOT USED**

## **6. Terms on which PPG is allocated to NMSS**

The grant may be spent in the following ways:

- for the purposes of the NMSS; that is, for the educational benefit of pupils registered at that school
- for the benefit of pupils registered at other maintained schools or academies
- on community services whose provision furthers the benefit of pupils at the school

The grant does not have to be completely spent by the NMSS in the financial year beginning 1 April 2021; some or all of it may be carried forward to future financial years. Any funding that is carried forward must be spent according to the conditions in this document.

## **7. Use of evidence**

From academic year 2021 to 2022, schools must demonstrate how their spending decisions are informed by research evidence, making reference to a range of sources including the Education Endowment Foundation's (EEF) toolkit. In line with the EEF's [pupil premium guide](#), activities should include those that:

- support the quality of teaching, such as staff professional development;
- provide targeted academic support, such as tutoring; and
- tackle non-academic barriers to success in school, such as attendance, behaviour and social and emotional support.

## **8. Accountability**

To comply with School Information regulations, schools are required to publish an updated pupil premium strategy annually. All schools must use the [templates](#) available on GOV.UK to publish their 2021 to 2022 pupil premium strategy, by the end of December 2021. The Department for Education will undertake monitoring checks on a sample of schools' published reports.

Given their role in ensuring schools spend funding appropriately and in holding schools to account for educational performance, governors and trustees should scrutinise schools' plans for and use of their pupil premium funding. Schools are held accountable for the outcomes they achieve with all their funding, including through Ofsted inspections and by governors and trustees, and this will be no exception.

## **9. Pupil numbers used to calculate PPG**

ESFA will calculate the allocation using:

- the number of Ever 6 FSM pupils (not eligible for the LAC and post-LAC premium)
- post-LAC pupils
- Ever 6 Service child FTE pupils aged 4 and over in year groups reception to year 11

The LAC numbers will be updated in December 2021 as stated in section 9. This means that some NMSS could see a small reduction in the number of Ever 6 FSM pupils counted in their pupil premium allocation, if the pupil is identified as LAC in the update. In these cases the NMSS concerned would see a reduction in their pupil premium allocation.



For new NMSS that opened after October 2020, we will use the October 2021 school census. For NMSS that open after the October 2021 school census, we will use data from the January 2022 school census.

For pupils with no recourse to public funds, pupil numbers will be calculated based on claims received through the upcoming claims process.

In each case, the allocation will be prorated to the proportion of the 2021 to 2022 financial year that the school is open. Where a new NMSS is not fully established, and at the start of the autumn term 2021, the NMSS has been open for fewer years than the number of year groups in the school, then the school's allocation will be revised in March 2022.

For NMSS, the revised allocation will apply the rates set out in section 2, to the increase in eligible pupils between the October 2020 and the October 2021 school census. The increase will be prorated by seven twelfths to reflect that the additional year groups have been in place for seven months of the financial year.

## **10. New NMSS and NMSS that close**

New NMSS that open in the 2021 to 2022 financial year will receive PPG for the proportion of the financial year for which they are open.

If an NMSS closes during the financial year, the ESFA should allocate PPG for the proportion of the financial year the school was open.

Where an NMSS receives pupils from schools that close or as a result of school merger, the ESFA will allocate the same grant that it would have allocated to the schools that closed or merged for the remainder of the financial year. Local authorities should agree the amount a new NMSS receives from schools that close.

## **11. Looked-after children (LAC)**

We will update and finalise allocations to local authorities for LAC in December 2021 based on the number of children looked after for at least one day during the year ending March 2021, as recorded in the March 2021 children looked-after data return (SSDA903), and aged 4 to 15 at 31 August 2020. Where a looked-after pupil has previously been recorded as claiming FSM this update may have an impact on some NMSS' allocations as set out above.

## **12. Allocation and payment arrangements**

We will confirm PPG allocations in June 2021, once pupil number data from the October 2020 and January 2021 school census has been validated and agreed.

We will pay PPG to NMSS in quarterly instalments on:

- August 2021 - for NMSS open at 1 April 2021
- October 2021 - for NMSS open at 1 April 2021
- January 2022 - for NMSS open at 1 September 2021
- April 2022 - for NMSS open at 1 January 2022

### **13. Other terms**

If an NMSS fails to comply with the terms set out in the paragraphs above the Secretary of State may withhold the whole or any part of subsequent instalments of the premium paid to the NMSS.

This will be notified in writing to the school and any such sum that has been notified shall be withheld from subsequent instalments of the premium.

### **14. Variation**

The basis for allocation of grant may be varied by the Secretary of State from those set out above, if so requested by the NMSS.

### **15. Overpayments**

Any overpayment of the premium shall be recovered against the NMSS' Funding by ESFA on behalf of the Secretary of State.

### **16. Further information**

The books and other documents and records relating to the recipient's accounts (for the purposes of this grant "recipient" is the NMSS proprietor) must be made available for inspection by the Secretary of State and by the Comptroller and Auditor General.

The Comptroller and Auditor General may, under 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.

The NMSS proprietor must 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 terms set out in this document. Failure to provide this information may result in the Secretary of State withholding 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).