

## 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">16 to 19 education: financial support for students - GOV.UK (www.gov.uk)</a></p>
<p><b>“16-19 Education ILR Funding Returns Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk">Funding guidance for young people: ILR funding returns - GOV.UK (www.gov.uk)</a></p>
<p><b>“16-19 Education: Funding Allocations Supporting Documents”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk">16 to 19 education: funding allocations - GOV.UK (www.gov.uk)</a></p> <p><a href="https://www.gov.uk">16 to 19 funding allocations supporting documents for 2022 to 2023 - GOV.UK (www.gov.uk)</a></p>
<p><b>“16-19 Education: Funding Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk">16 to 19 education: funding guidance - GOV.UK (www.gov.uk)</a></p>
<p><b>“16-19 Student Support Funding Guidance”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk">16 to 19 Bursary Fund guide 2022 to 2023 academic year - GOV.UK (www.gov.uk)</a></p> <p><a href="https://www.gov.uk">Free meals in further education funded institutions guide 2022 to 2023 academic year - GOV.UK (www.gov.uk)</a></p> <p><a href="https://www.gov.uk">Residential Bursary Fund 2022 to 2023 - GOV.UK (www.gov.uk)</a></p> <p><a href="https://www.gov.uk">Residential Support Scheme 2022 to 2023 academic year - GOV.UK (www.gov.uk)</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>

<b>“16-19 Tuition Fund Guidance”</b>	Means <a href="https://www.gov.uk/guidance/coronavirus-covid-19-16-to-19-tuition-fund-guidance-2022-to-2023">Coronavirus (COVID-19) 16 to 19 tuition fund guidance 2022 to 2023 - GOV.UK (www.gov.uk)</a>
<b>“Capacity and Delivery Funding” (“CDF”)</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. <a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-providers-delivering-in-the-2022-to-2023-academic-year">Industry placements: capacity and delivery fund (CDF) for providers delivering in the 2022 to 2023 academic year - GOV.UK (www.gov.uk)</a>
<b>“Education, Health and Care Plan”</b>	Means a support plan as defined in section 37(2) of the <a href="https://www.legislation.gov.uk/ukpga/2014/12">Children and Families Act 2014 (legislation.gov.uk)</a>
<b>“Funding Rates and Formula Guidance”</b>	Means <a href="https://www.gov.uk/guidance/funding-rates-and-formula">Funding rates and formula - GOV.UK (www.gov.uk)</a>
<b>“Funding Regulations”</b>	Means Funding Guidance for Young People 2022 to 2023 <a href="https://www.gov.uk/guidance/advice-funding-regulations-for-post-16-provision">Advice: funding regulations for post-16 provision - GOV.UK (www.gov.uk)</a>
<b>“High Needs Funding Guidance”</b>	Means <a href="https://www.gov.uk/guidance/high-needs-funding-arrangements-2022-to-2023">High needs funding arrangements: 2022 to 2023 - GOV.UK (www.gov.uk)</a>
<b>“How T Levels are Funded”</b>	Means <a href="https://www.gov.uk/guidance/t-level-funding">T Level funding - GOV.UK (www.gov.uk)</a>
<b>“Industry Placement Guidance”</b>	Means CDF guidance for those who are delivering in 2021 to 2022, and will continue placement hours into Funding Year 2022 to 2023: <a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-providers-delivering-in-the-2021-to-2022-academic-year">Industry placements: capacity and delivery fund (CDF) for providers delivering in the 2021 to 2022 academic year - GOV.UK (www.gov.uk)</a> CDF guidance for those who are delivering in 2022 to 2023: <a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-providers-delivering-in-the-2022-to-2023-academic-year">Industry placements: capacity and delivery fund (CDF) for providers delivering in the 2022 to 2023 academic year - GOV.UK (www.gov.uk)</a>
<b>“Maintained School”</b>	Means a school as defined in section 20(7) of the School Standards and Framework Act 1998.

<p><b>“Maths and English Condition of Funding Guidance” and “Condition of Funding”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/16-to-19-funding-maths-and-english-condition-of-funding">16 to 19 funding: maths and English condition of funding - GOV.UK (www.gov.uk)</a></p>
<p><b>“Qualifications”</b></p>	<p>Means the Department List of Qualifications approved for funding 14 to 19</p> <p><a href="https://www.gov.uk/guidance/esfa-list-of-qualifications-approved-for-funding-14-to-19">ESFA list of qualifications approved for funding 14 to 19 - GOV.UK (www.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:</p> <p><a href="https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-providers-delivering-in-the-2022-to-2023-academic-year">Industry placements: capacity and delivery fund (CDF) for providers delivering in the 2022 to 2023 academic year - GOV.UK (www.gov.uk)</a></p>
<p><b>“SEND Code of Practice”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/send-code-of-practice-0-to-25-years">SEND code of practice: 0 to 25 years - GOV.UK (www.gov.uk)</a></p>
<p><b>“Student Bursary Support Service (SBSS)”</b></p>	<p>Means</p> <p><a href="https://www.education.gov.uk/student-bursary-support-service">Student Bursary Support Service (education.gov.uk)</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 a T-Level.</p> <p><a href="https://www.gov.uk/guidance/16-to-19-study-programmes-guide-for-providers">16 to 19 study programmes: guide for providers - GOV.UK (www.gov.uk)</a></p>
<p><b>“Sub-Contracting Funding Rules”</b></p>	<p>Means</p> <p><a href="https://www.gov.uk/guidance/subcontracting-funding-rules-for-esfa-funded-post-16-funding-excluding-apprenticeships">Subcontracting funding rules for ESFA funded post-16 funding (excluding apprenticeships) - GOV.UK (www.gov.uk)</a></p>
<p><b>“T Level”</b></p>	<p>Means a Level 3 programme of education, known as a T Level, which has been approved by the Institute for Apprenticeships and Technical Education under sections A2DA and A2DB of the Apprenticeships Skills, Children and Learning Act 2009.</p>

<p><b>“T Level Industry Placements Delivery Guidance”</b></p>	<p>Means  <a href="https://www.gov.uk/guidance/t-level-industry-placements-delivery-guidance">T Level industry placements delivery guidance - GOV.UK (www.gov.uk)</a></p>
<p><b>“Teachers’ Pension Scheme Increased Employer Contributions”</b></p>	<p>Means  <a href="https://www.gov.uk/guidance/teachers-pension-scheme-employer-contribution-grant-further-education-providers">Teachers' pension scheme employer contribution grant: further education providers - GOV.UK (www.gov.uk)</a></p>
<p><b>“Traineeships Funding Guidance”</b></p>	<p>Means  <a href="https://www.gov.uk/guidance/esfa-funded-16-to-18-traineeships">ESFA funded 16 to 18 traineeships - GOV.UK (www.gov.uk)</a></p>

### Summary of Services

1. The Services are the delivery of Study Programmes and support for all 16 to 19-year-olds, including 16-18 traineeships, and High Needs Learners aged 16 to 25.
2. The Services are for any Learner aged 16 to 19 and High Needs Learners (other than apprentices) in a relevant Institution or Independent Learning Provider.
3. The Services include support to help Learners overcome specific barriers to participation so they can remain in education.
4. 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 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/102).
5. In providing 16-19 Education, the Provider is required to meet the Maths and English Condition of Funding in 2022 to 2023.
6. Where relevant, the Services include the funding of Maintained School sixth forms under the Provider’s control; funding provided by the Department for this purpose is the Sixth Form Grant. Funding is for the 2022 to 2023 Funding Year.
7. 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.

8. 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**

9. 16-19 Education Services Start Date: 1<sup>st</sup> August 2022.
10. 16-19 Education Services Expiry Date: 31<sup>st</sup> October 2023 (final data submission).

### **Service Requirements**

#### Recruitment

11. 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 2023.
12. The recruitment must comply with the 16-19 Education Funding Regulations.
13. All Learners must be enrolled on a Study Programme.
14. 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
  - c. Aged 14 to 16 and meet the criteria set out in the Funding Regulations.

#### Outputs

#### Sixth Form Grant Management

15. Where the Funding Agreement in Schedule 2, 16-19 Education Payments, includes the Sixth Form Grant, the Provider will directly fund the delivery of the Services in this Schedule through Maintained Schools under the Provider's control. The Provider will operate as the funding body for this grant to the Maintained Schools set out in the Funding Agreement in Schedule 2 Payments.

#### 16-19 Education Delivery

16. The Provider will deliver an eligible Study Programme as set out in the Funding Regulations for the Funding Year.

17. 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.
18. The Provider will take steps to ensure they spend the allocated Funding in the Funding Year.
19. The Provider will maintain evidence of the delivery of the Services as set out in the Funding Regulations.
20. The Provider will deliver traineeships to the requirements set out in the Traineeships Funding Guidance.
21. 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;
  - b. doing a programme of 150 hours or more, which started on or after 1 August 2014.
22. 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.
23. 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.

24. 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).
25. 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.
26. 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 are Funded;
  - b. comply with the requirements set out in the 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;
27. Where there is an approved local skills improvement plan for the specified area, the Provider must have regard to that plan when making decisions about English-funded post-16 technical education or training.
28. 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.
29. In addition to the obligations set out in Clause 30, Sub-Contracting, the Provider will adhere to the requirements set out in the Sub-Contracting Funding Rules.
30. 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

31. Where the Services are delivered by the Provider and continued from the 2021 to 2022 Funding Year, the Provider must migrate data for continuing Learners from the 2021 to 2022 ILR to the 2022 to 2023 ILR in the first ILR Data return for 2022 to 2023, as set out in Appendix B of the ILR specification.

32. 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.
33. 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 breach of agreement.
34. The Provider shall submit funding claims in line with Schedule 1B, 16-19 Education Monitoring.
35. The Provider must keep the Department informed of any changes to their bank details.

### **The Department**

36. The Department will pay for the Services as set out in Schedule 2, 16-19 Education Payments.
37. 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. For grant funded provision, 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 breach of agreement and any reconciliation will be at the Department's discretion.
7. The Department will perform a reconciliation at the end of the Funding Year as set out in the 16-19 Education ILR Funding Returns Guidance and will notify the Provider of the actual number of Learners delivered to and the 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. Where the Department determines, as a result of such review, that there has been an over-payment to the Provider, the Department may recover in full from the Provider the amount or value of all such errors and such sum shall be repayable by the Provider to the Department within 30 days of receiving an invoice for the same.

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

8. Where the Provider is in receipt of Capacity and Delivery Funding, the Provider will submit monitoring reports at a time and format specified by the Department. Information on how CDF monitoring will work and when can be found in the CDF guidance: [Industry placements: capacity and delivery fund \(CDF\) for providers delivering in the 2022 to 2023 academic year - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-providers-delivering-in-the-2022-to-2023-academic-year). The Department may withdraw the 2022 to 2023 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.
9. Where the Provider is in receipt of Capacity and Delivery Funding as allocated to a maintained school under the Provider's control, the Provider will ensure that the relevant maintained school submits timely monitoring reports as set out in the Guidance for Completing the Industry Placement Capacity and Delivery Fund Monitoring Form. The Department may withdraw the 2022 to 2023 Capacity and Delivery Fund allocation and recover funding paid overall or in respect of the relevant maintained school if the monitoring form is not completed and not submitted to the requirements set out in the guidance.
10. 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.
11. Where the Provider is in receipt of Capacity and Delivery Funding as allocated to a maintained school under the Provider's control, the Provider will ensure the relevant maintained school supports 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.
12. Where the Provider or a maintained school under the Provider's control 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 2022 to 2023 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.
13. 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.

## **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).