

In response to the Devon Education Forum query around incorrect use of the Dedicated Schools Grant - High Needs Block, in particular, the following extract for students aged 19 - 25.

Students aged 19 to 25 with an EHC plan

1. *Students aged 19 to 25 with EHC plans who are continuing in education may have a range of options, including attending FE institutions, ILPs and SPIs. The school funding regulations require that a local authority may not use its high needs budget to fund places, or pay top-up funding, for 19 to 25 year-olds attending a maintained school, an academy school, an alternative provision academy, a non-maintained special school, or an independent school. There is an exception for those 19-year-olds who are completing a secondary education course started before they were 18-years-old.*
2. *Some schools may consider that they have the appropriate specialist expertise to prepare students aged 19 to 25 with an EHC plan for adult life, including independent living and employment. To receive high needs funding for such young people, a school would have to set up a legally and financially separate entity to provide the appropriate environment for young people of that age. Once established, to be eligible for ESFA funding the new entity should follow the process set out [above](#).*
3. *For information on learners aged 19 to 25 without an EHC plan see [annex 3](#).*

Since the introduction of the Code of Practice the above has been in place for post 19 learners and has always been adhered to in making post 19 placements. To add clarity, we have outlined DCC practice.

All learners are entitled to 3 years post 16 in any post 16 provider and this is funded through a combination of ESFA funding for the place and £6,000 for every high needs learner, then top up for those high needs learners from the LA.

It should be noted that NCY 14 is the year learners turn 19. These learners are identified by the LA every year on the high needs return to the ESFA.

Post 19 refers to students in National Curriculum Year (NCY) 15 and onwards.

Funding is restricted

“...may not use its high needs budget to fund places, or pay top-up funding, for 19 to 25 year-olds attending a maintained school, an academy school, an alternative provision academy, a non-maintained special school, or an independent school.”

Once in NCY 15 funding is restricted to:

- 1) Those with EHCPs
AND
- 2) Only in certain providers – as per guidance. These providers are FE Colleges, Independent Learning Providers (those providing apprenticeships), Specialist post 16 institutions. This status is confirmed through DfE/ESFA databases.

This guidance applies to all post 19 learners in education agreed by DCC SEN team.

DCC does not and will not fund any provision post 19 in maintained school and academies (including special schools), non-maintained special schools or Independent schools in line with guidance.

There is currently one provider who we have been using (placements are historical) which we have advised to seek SPI approval from ESFA in order for us to maintain the arrangements. If they do not we will be unable to place with them in future. We have informed this provider of this. This provider has 7 post 19 learners; 3 of whom have confirmed end dates this academic year, the other 4 are being informed of the funding restrictions this term and an end date will be confirmed.

Exceptions

“There is an exception for those 19-year-olds who are completing a secondary education course started before they were 18-years-old”.

Currently there are two post 19 learners who are in exceptional arrangements one of whom was maintained under direct order of Tribunal.