

Top Up Funding (TUF) Frequently Asked Questions (Pre-16)

Funding Band System

1. Is the funding band system for *all* Top Up Funding (TUF)?

Yes, but Band E2 is for EHC Plans only.

Bands B to E1 are for SEN Support TUF requests.

Bands B to E2 are for EHC Plans.

2. How do DCC teams decide on a banding for TUF?

There are several teams involved in this process. They use the provision descriptors outlined in the 'Mainstream Schools Provision Descriptors and Funding Bands' document to identify the 'best fit' for the provision identified in the SEN Support or EHC Plan.

There are standardisation meetings across the year to ensure all individuals are using the provision descriptors objectively.

3. What is the LA view on 1:1 support?

In order to promote inclusion, foster independence and prepare a pupil for adulthood, the vast majority of additional adult support for all pupils should be delivered in a whole class or small group context. We anticipate that 1:1 support is required in **only very exceptional circumstances** e.g. intimate care or individual therapy. Some pupils may require individualised approaches on occasions throughout the school day or 'on call' access. We would expect 1:1 support to be a small part of the overall request and clearly evidenced as part of the assessed needs of the pupil, agreed outcomes and as an appropriate intervention.

Schools should not be automatically requesting TUF to cover the cost of an additional adult.

4. Can a school refuse to admit a pupil due to concerns about funding?

No. Under the Children and Families Act 2014 children with SEND have the right to be educated in a mainstream school if they or their parents choose. Funding should not be discussed with parents/carers and it cannot be used as a reason to refuse admission. Any conversations should be between school leaders and senior LA Officers (see numbers 43-45 for further details).

Making a request for SEN Support TUF

5. What evidence is required for a new SEN Support TUF request?

- A Request for TUF form including parent/carer signature and a chronology of the relevant and purposeful action school have implemented in SEN Support Plans.
- A current SEN Support Plan on DCC format which clearly details the current provision for the pupil, including recommendations from professionals where applicable. Parent/carer signatures must be included.
- Two previous reviewed SEN Support Plans including parent/carer signatures and comments.
- Relevant reports and/or recommendations from professionals involved (usually within the last 3 years or at key points of transition).

NB: If any of this evidence is not submitted, the request will be immediately declined.

Before a school applies for SEN Support TUF, they must be able to demonstrate a graduated approach of 2 cycles of SEND Support 'Assess, Plan, Do, Review' (APDR). The cycles of APDR are portable between settings and it is not required that 2 cycles are undertaken in each school where there is no change in provision. It is the responsibility of the current school to ensure the previous SEN Support Plans are of high quality, i.e., detailed and quantified.

6. Can schools apply for SEN Support TUF without 2 cycles of APDR?

Not usually. This would be considered if a pupil has **moved into** County Durham from another country/county or the previous school have not identified additional needs. This may also apply for a Reception child who has not attended nursery provision (see number 16 for further details). We would still expect the school to try to identify some needs by using the expertise of the SENCO and, if required, liaison with relevant members of the DCC SEND & Inclusion Service (such as EAL, Autism Team or SEND Advisory Officer teams) to put in appropriate provision at the earliest stage. The provision needed should be clearly shown in the current SEN Support Plan.

7. Do schools need to ask specialists to assess the pupil before applying for SEN Support TUF?

To be eligible for **Band B** funding it is expected that schools draw on their own expertise and previously recommended strategies co-ordinated by the SENCO to support pupils and as such we would not require any specialist input at this band.

To be eligible for **Bands C, D and E** funding it is expected that schools are liaising with professionals/specialists and have included the recommendations in the interventions and provision in the cycles of APDR. When this is not evident requests will be declined.

8. Can EMPs/ELPs apply for SEN Support TUF?

Currently there are no plans to change current funding systems. Additional funding requests will continue via costed provision maps.

9. Can an out of county school apply for SEN Support TUF for pupils who are resident in County Durham?

No, only mainstream schools located in County Durham can apply for SEN Support TUF. An out of county school could, however, request an EHC needs assessment for a pupil who is resident in the County.

10. Can an out of county school apply for SEN Support TUF for pupils who are 'looked after' to County Durham?

No, an out of county school cannot apply for SEN Support TUF from County Durham. The pupil must receive the same level of support offered to all learners in their current setting or in the LA where they live.

However, the Durham Virtual School has access to Pupil Premium Plus funding that is provided to enhance the learning of pupils for whom they have responsibility - settings should contact the Virtual School PEP Caseworker.

11. Can an independent school apply for SEN Support TUF?

Yes, if it is an independent school within County Durham. Out of county independent schools cannot apply.

12. What is the decision-making process of agreeing a new SEN Support TUF request?

The requests are logged in date order from when they are received by the LA. They are Quality Assured (QA) by the SEND Advisory Officer (SAO) Team usually within a month of receipt by the LA.

The following is considered:

- the pupil's significant special educational need/s
- evidence of a graduated approach including Quality First Teaching strategies and evidence based additional

- support/interventions
- the pupil's achievement/rate of progress
- the outcomes on the SEN Support Plans reflect the pupil's SEN and clearly identify the provision to meet specific need/s
- how recommendations by specialists and/or assessments/advice are included in provision on the SEN Support Plan
- the effectiveness of support and its impact have been reviewed as part of a graduated approach (APDR).

Any requests that don't follow the application criteria will be declined at QA.

Following a successful QA the request is passed to Senior SEND Managers who make the funding decision on a weekly basis. Any agreed funding will continue for the duration of the time the pupil is in the school, pending receipt of annual review paperwork (see number 13 and numbers 19-23 for further details).

13. How will the LA monitor the use of SEN Support TUF?

Schools will be required to submit annual review paperwork to ensure the continued funding. These will be scrutinised as the use of TUF is subject to monitoring and auditing at any time by the LA. LA Officers will have a moderation rota for visiting schools that receive TUF.

Parent/Carer Signatures

14. Do schools have to get a parent/carers signature for requests for SEN Support TUF or an EHC needs assessment?

Yes. There is a parent/carers signature box on both request forms. Schools should send a scan of the front page when submitting a request. If there is not a parent/carers signature, it will be declined immediately.

15. Can schools use electronic signatures from parents/carers on SEN Support Plans, request forms and meeting records?

No. We require proper signatures from parents/carers (documents then need to be scanned). If there is a reason why this cannot be done, we would need an email from parents/carers stating they agree.

SEN Support TUF and Transition

16. How does funding support the transition from nursery to reception?

Nursery 2 pupils in receipt of EY funding/support in nursery are given a transition band based on the provision they are receiving in nursery. This is subject to evidence of a robust transition between the nursery and reception provider. This is co-ordinated by the DCC Early Year Team.

This funding is given for one year – up to the end of Reception. It is the school's responsibility to submit a **new** request if they still require it. There will be an application window for these requests and schools will be notified of the dates in the Spring Term of each year.

For Nursery 2 pupils, who are not in receipt of EY funding/support in nursery, schools can apply for new SEN Support TUF, if necessary, after the pupil has settled into Reception in the Autumn Term after one cycle of support in the new environment. School can demonstrate a graduated approach of APDR by using the nursery SEN Support Plans from the previous setting.

17. How does funding support the transition from Year 2 in an Infant School to Year 3 in a Junior School?

Junior Schools can apply later in the Autumn Term after one robust cycle of support in the new environment. There should be evidence of a robust transition between the infant and junior provider. School must use the previous infant APDR cycles/SEN Support Plans to support their new request.

18. How does funding support the transition from Year 6 to Year 7?

Secondaries can apply later in the Autumn Term after one robust cycle of support in the new environment. There should be evidence of a robust transition between the primary and secondary provider. School must use the previous primary APDR cycles/SEN Support Plans to support their new request.

Continuation of SEN Support TUF

19. How long will SEN Support TUF continue?

SEN Support TUF will continue whilst a pupil attends the same school, pending receipt of annual review paperwork. It is the school's responsibility to inform sencasework@durham.gov.uk when a pupil in receipt of SEN Support TUF leaves their setting. See numbers 26, 31 and 32 for further details.

20. What happens if a pupil moves school?

We expect a school to notify the LA if a pupil leaves. The new school must submit a new SEN Support TUF request. It is the school's responsibility to notify the LA if a pupil receiving SEN Support TUF leaves their setting before the usual transition point.

21. What happens with the TUF when a pupil moves out into EHN or Pupil Referral Unit for a period of time?

This is still under review.

Change of SEN Support TUF

22. What must schools do if they recognise the pupil no longer requires the agreed funding as provision has decreased or ceased?

It is the school's responsibility to inform the LA as soon as possible. Further details will be provided in due course.

23. What must schools do if they have evidence to suggest the pupil requires a higher level of funding than previously agreed?

Schools must complete a new TUF request application submitting all of the evidence.

SEN Support TUF/EHC needs assessment

24. In what circumstances, should schools apply for SEN Support TUF compared to requesting an EHC needs assessment?

The [SEND Code of Practice](#) outlines the steps a school should take to provide a Graduated Approach to understanding and meeting a child's needs (pg 100 to 102 paras 6.44 to 6.56) this is a process of Assess, Plan, Do and Review (APDR). In Durham we recognise that schools may need to be resourced beyond the first £6,000 of provision to meet needs that they clearly

understand (the Do). To support this Durham County Council provides Top Up Funding through SEND Support. This approach values school's knowledge of the pupil and ensures that provision can be made in the swiftest time possible.

SEND Support TUF should be used when a pupil's SEND is understood and the provision required to meet needs is beyond £6,000.

Schools and parents can apply for an EHCA at any stage, however this is a detailed multi agency needs assessment that should only be used in the most complex of instances when SEND Support would not be sufficiently detailed for example when a pupil presents with enduring complex education health and/or care needs.

A school may consider that an EHCA is necessary on the basis that despite taking a Graduated Approach the pupil is still not making their expected progress. The Local Authority will consider the request and determine whether there is evidence of SEND and that the provision in place through a Graduated Approach is not having the desired impact. If this is the case then an EHC needs assessment will be undertaken to determine if an EHCP is required. In Durham we set out guidance in our [Durham SEND Toolkit](#) as follows:

...despite the school having taken relevant and purposeful action through the graduated approach, the child or young person has not made expected progress, the school or parents could consider requesting an Education, Health and Care needs assessment...there is an expectation in County Durham, that there is evidence of at least 3 cycles of 'Assess, Plan, Do, Review' SEN support to evidence SEND needs.

We recognise that in some instances schools and/or parents may feel that a request for an EHC assessment is necessary without taking the approach set out above. Both are entitled to do this and the Local Authority will consider the request determining whether it is necessary to make provision in accordance with EHCP.

25. Can schools apply for new SEN Support TUF and an EHC needs assessment at the same time?

No, this will not be considered. Schools should request either a new TUF or EHC needs assessment but not both at the same time. Schools and parents should make the decision regarding which route to take that will best support the current and future needs of the pupil.

26. If an EHC needs assessment is requested will SEN Support TUF continue?

- a. If an EHC needs assessment is requested **within the first 6 months of receiving new SEN Support TUF**, the funding will be paused until the EHC needs assessment is completed.
- b. If an EHC needs assessment is requested whilst the school is in receipt of **continued SEN Support TUF**, the funding will continue until the outcome of an EHC needs assessment is completed.

27. Can schools apply for SEN Support TUF when an EHC needs assessment has not been initiated?

If the Local Authority makes a decision not to initiate the assessment (at 6 weeks) because the evidence shows that the provision can be met within ordinarily available provision; the school subsequently cannot request TUF within 6 months of this decision. A request for TUF after 6 months will only be considered if there is new evidence submitted.

28. Can schools apply for new SEN Support TUF after an EHC needs assessment has been initiated?

No. The school will need to wait for the outcome from the EHC needs assessment.

29. Can schools apply for SEN Support TUF if an EHC needs assessment has been previously declined?

No. If an EHC needs assessment has been declined within the previous 6 months this means the needs of the pupil can be met through the school/setting's resources so TUF would not be appropriate. After 6 months, this will only be considered if there is new evidence submitted.

30. Is there a timescale for being able to apply for SEN Support TUF after an EHC needs assessment request is denied?

Yes. If there is evidence demonstrating that there has been a significant change or increase in needs since the previous request then school could apply for TUF or another EHC assessment. This would be no earlier than 6 months from the date of the statutory assessment decision.

31. What happens to SEN Support TUF if an EHCP is not agreed?

The pupil's needs can be met from 'ordinarily available provision', so the TUF would cease.

32. What happens to SEN Support TUF if an EHCP is agreed?

The SEN Support TUF would cease. The pupil's needs will be met through an EHCP. The associated funding may increase or decrease, depending on the assessed needs.

Use of Top Up Funding

33. How will funding be calculated for Durham CLA with a non-Durham EHCP?

The Local Authority holding responsibility for the plan will determine need and identify the required level of support. This will be compared to the banding framework within County Durham who will then agree financial responsibility for the pupil's EHCP.

34. Can an independent school receive all funding for the provision in an EHCP?

Yes.

35. Can schools use EHCP funding to pay for Alternative Provision?

Not usually. However, if there are extenuating circumstances, the school should discuss with the Caseworker in the first instance.

36. Can schools use EHCP funding to pay for transport to Alternative Provision?

No.

37. Can schools use SEN Support TUF to pay for Alternative Provision?

No. If a pupil is attending alternative provision any SEN Support TUF will stop. It is a school's responsibility to inform the LA of this.

38. Can schools use SEN Support TUF to pay for transport to Alternative Provision?

No.

39. Can schools use TUF to pay for assessments?

Not usually - these costs should be paid from the school's core and notional budget. There may be exceptions for pupils with complex difficulties who require a bespoke assessment - this would normally be for a pupil with an EHCP.

40. Can schools use TUF to fund private therapists such as Future Steps or Sensory Worx?

We would not usually agree TUF for private therapists if this therapy is available within the NHS.

41. How do schools request TUF for equipment/resources and/or training?

Consult the guidance in the 'Mainstream Schools Provision Descriptors and Funding Bands' document. The equipment/resources and/or training for the individual pupil's provision needs to be explicit in the request paperwork. This could be in a professional's report. Schools are required to complete the 'Additional equipment/resources and/or training' form. If the equipment/resources and/or training meet criteria this cost will be added onto the banded amount.

42. Can schools apply for TUF for teacher planning?

No. As stated in the Teachers' Standards document: 'A teacher must adapt teaching to respond to the strengths and needs of all pupils.'

Agreement/disagreement of TUF

43. Can schools appeal the LA decision not to agree SEN Support TUF?

No. All requests are subject to a rigorous quality assurance process.

44. Can schools appeal the Funding Band awarded for SEN Support TUF?

No. The request needs to show a clear graduated approach through quality evidence. Funding is banded on the additional provision so it is up to schools to ensure this is detailed in the current SEN Support Plan. The LA can only band on the evidence provided by the school.

45. What should schools do if they have a question or feedback about Top Up Funding?

Email tufenquiries@durham.gov.uk