

SEND Single Route of Redress National Trial Expenses

**Guidance for Local Authorities and
Health Commissioning Bodies**

May 2019

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Summary

This document intends to provide guidance to Local Authorities outlining the process of reimbursing reasonable costs – up to the value of £4,000 per case – of attending a SEND Tribunal trial.

Expiry or review date

This guidance will be reviewed before January 2020.

Who is this publication for?

This guidance is predominantly for use by Local Authorities (SEND and Social Care teams) and health commissioning bodies who are going through or have had an appeal registered against them under the SEND single route of redress national trial and required guidance on how to raise an expense claim for reimbursement.

This document will begin with a high-level overview of the claims process, followed by a detailed breakdown of each step of the process.

Main points

Relating to appeals against Local Authority decisions and EHC plans issued or amended between 3 April 2018 and 31 March 2020, a grant of up to £4,000 per case can be awarded for SEND Tribunal trial activities under the national trial. This grant is to reimburse the reasonable endeavours of the Local Authorities and health commissioning bodies to achieve the following:

- LAs informing the social care team and health commissioning body of the appeal.
- LAs collecting evidence from all parties to be presented at the Tribunal.
- Attending an extended trial hearing if necessary.
- Forwarding response to recommendation letters to the evaluation team.
- LAs to make payments to the social care teams and health commissioning body for costs incurred in relation to:
 - Gathering and sending evidence to the LA, and case management activities relating to the trial.
 - Sending a witness to the trial hearing.
 - Responding to the LA and parents about the recommendations of the Tribunal.

Location of the Grant Funding Agreement and Claim Form

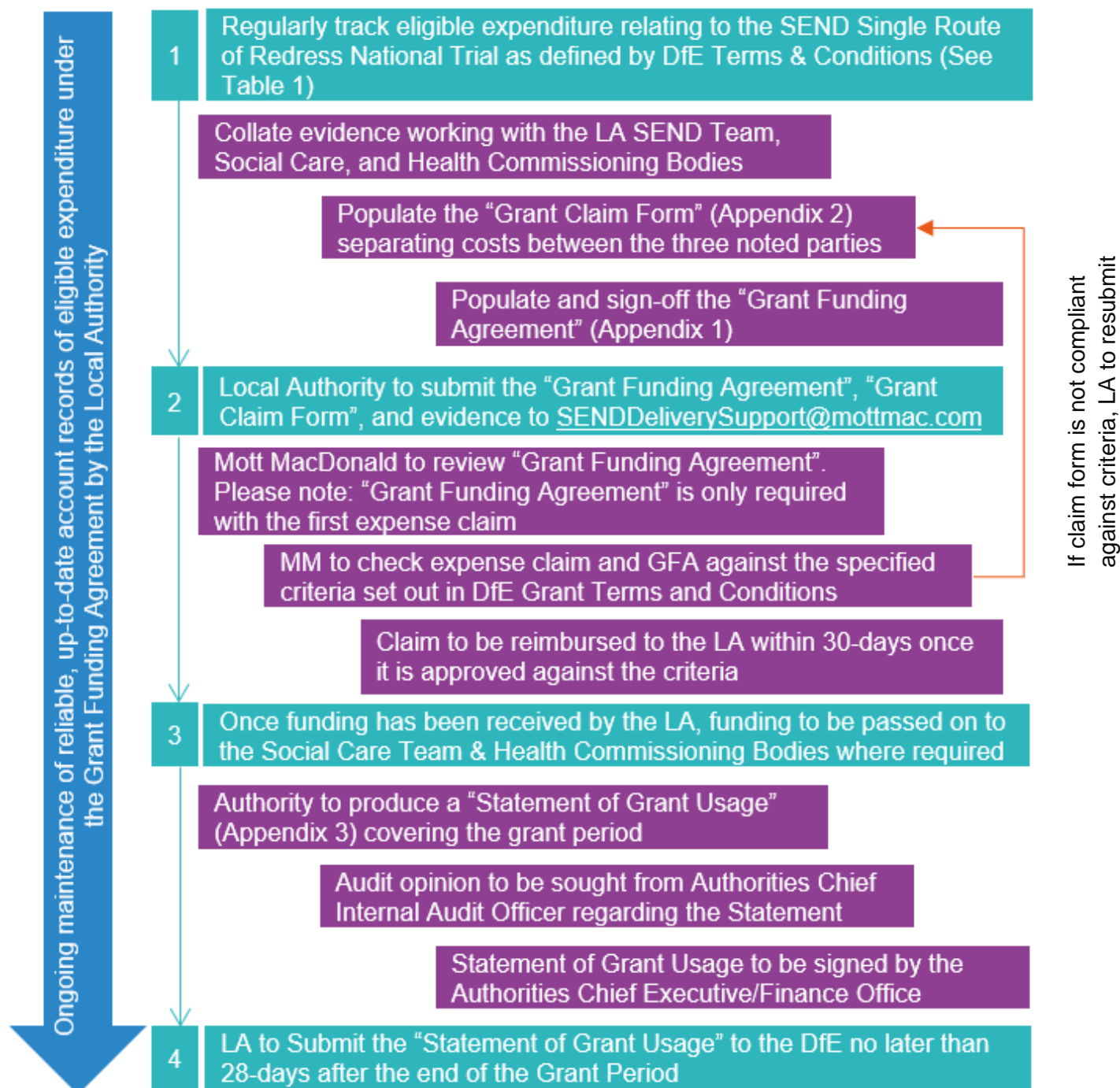
The resources can be found on the toolkit created for the national trial at <https://www.sendpathfinder.co.uk/send-single-route-of-redress-national-trial>, under numbers [17] and [18] of the listed items within the toolkit. To access the forms directly, please select the links below:

- [Grant Funding Agreement](#)
- [Claim Form](#)

Overview of Claims Process

To submit a valid expense claim, the LA is required to follow the 4 stages in blue outlined in the below flowchart. To support this, there are a number of supplementary activities the authority is required to carry out. These are highlighted in purple.

Should any errors be noted during the quality assurance process of the expense claim, Mott MacDonald have the ability to return the claim to a previous stage. This is outlined by the red arrows.



If this process is followed, and a valid claim is submitted, payment will be received by the Authority within 30-days of the claim being agreed.

Acceptance of Grant Offer & Effective Date

- The National Trial enables the First-tier Tribunal SEND to make non-binding recommendations on health and social care needs, and provisions as specified in Education, Health and Care (EHC) plans. Per trial, the Department for Education (DfE) will reimburse up to the value of £4,000 to cover any reasonable expenses incurred by the Local Authority (LA) or CCG.
 - The DfE will not pay £4,000 per each trial, but rather cover all reasonable expenses up to this cap.
 - This is valid for any appeals against LA decisions made, or EHC plans issued or amended between 3 April 2018 and 31 March 2020.
 - The claim can be made at any point within the 2 year timeframe of the Grant Period and no later than twenty eight days from the end of the Grant Period.
- To accept a claim, the LA must complete the “Grant Funding Agreement” which can be found in Appendix 1.
 - To do so, the LA is expected to provide the name, contact details, and signature of a person of authority in the LA.
 - To support this claim, the LA must complete the Grant Claim form (Annex B) which can be found at Appendix 2
 - Both documents should be emailed to Mott MacDonald via the following address: SENDDeliverySupport@mottmac.com.
- Once received, Mott MacDonald will process the expenses forms on a monthly basis, and will be paid in arrears within 30-days of the claim approval date.
 - In cases where errors in the claim are noted by Mott MacDonald, either:
 - i. The claim will be returned to the LA for completion.
 - ii. The claim will be held by Mott MacDonald until further information is provided.
 - iii. In cases where a claim is made by the LA on behalf of a health commissioning body, the LA will be responsible for transferring the relevant funding.

Grant Claim Form

- For any claims made, the Local Authority must separate relevant costs by
 - LA SEND Team
 - Social Care Team
 - Health Commissioning Body
- This will **not** impact the LAs ability to claim.
- This information is requested by the Department for Education to help inform the evaluation of the SEND Single Route of Redress National Trial by IFF Research and Belmana.
 - All information shared by the Department with either party will be subject to standard confidentiality, data protection clauses, and General Data Protection Regulation (GDPR).
- Whilst expense claims are capped at £4,000, the LA should record the full amount of costs incurred over and above the £4,000.
 - Additional costs will not be reimbursed, however these will further support the evaluation being conducted by IFF Research and Belmana.
- To support the expense claim, LAs are responsible for providing sufficient evidence such as receipts.
 - In cases where a claim is being made by the LA on behalf of a social care team or health commissioning body, the LA is responsible for ensuring sufficient evidence is collected from all parties.
 - If Mott MacDonald determine insufficient evidence has been provided, Mott MacDonald will contact you requesting the specific evidence required. In these cases, the claim will be held by Mott MacDonald until sufficient evidence is received.

DfE Grant Terms and Conditions

- All expense claims must be submitted by the LA supporting the principle of achieving value for money. Thus, the following must be excluded from each claim:
 - Contribution in kind
 - Payments for activities of a political or religious nature
 - Depreciation of assets owned by the authority
 - Input VAT reclaimable by the authority from HM Revenue & Customs
 - Interest payments for finance leases
 - Gifts or entertainment, other than promotions items with a value of less than £10 per year per person.
 - Statutory fines or penalties.
- Costs such as the following may also not be claimed for:
 - Advertising, Marketing, Communications
 - Consultancy
 - Maintenance of existing resources, or creation and technical development of new resources.
- The Local Authority must also not deliberately incur liabilities for eligible expenditure in cases where this is not an operational need to do so.
- A full list of eligible expenditure is shown in table 1.

Table 1: Conditions for Eligible Expenditure	
LA SEND Team	<ul style="list-style-type: none"> • Informing the social care team and health commissioning body of the appeal and request for recommendations and collecting evidence from the social care team and health commissioning body to contribute to the bundle of evidence for the Tribunal • The additional costs related to attending an extended trial hearing • Forwarding response to recommendation letters to the DfE evaluation team at SENDletters@IFFResearch.com
Social Care and Health Commissioning Bodies	<ul style="list-style-type: none"> • Gathering evidence, creating an outline argument, sending evidence to the LA and any case management activity relating to the trial <ul style="list-style-type: none"> ○ Sending a witness to a national trial hearing ○ Responding to parents (and the LA) about recommendations from the Tribunal
Travel and Subsistence	<p>Travel and subsistence will be reimbursed if the following conditions are satisfied:</p> <ul style="list-style-type: none"> • The local authority shall have firm regard to the need for economy in all travel and subsistence expenditure.

	<ul style="list-style-type: none"> • Where any travel and subsistence expenditure claimed, in the DfE's reasonable opinion is excessive - having due regard to the purpose for which it was incurred - DfE shall only be liable to reimburse so much (if any) of the expenditure as, in DfE's reasonable opinion, would reasonably have been required for that purpose. • Claims for travelling and subsistence must be directly and exclusively related to the performance of this Grant Funding Agreement and be certified as such. • No travel and subsistence expenditure for visits abroad, travel by aircraft or travel by private cars is allowed; travel by taxi is allowed strictly subject to all the other bullet points in this section and the overall conditions in this GFA.
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Examples of out-of-scope Expenditure

- The ordinary costs of a SEND appeal – funding will only cover additional trial costs.
- Notifying parents/young people about the Single Route of Redress National Trial Including information relating to the National Trial in the local offer.
- Updating local systems, policies, and procedures to comply with the national trial.
- Ensuring IASS provide parents/YP with information, support, and advice about their extended rights.
- Issuing information about the evaluation of the National Trial.
- Training staff and disseminating information and guidance to those involved in the process.
- Identifying lead contacts in SEND, social care, and health.
- Ensuring SEND, local CCGs and children and adult social care leaders are aware of the trial and the implications.
- Amendments to local processes to ensure that there is a clear communication system and understanding of any previous learning around complaints/tribunals
- The costs of assessments.
- Costs of provision, including provision related to recommendations/agreements through case management.
- The gathering of parent/young person's evidence (with the exception of health bodies and social care preparation time reviewing evidence whilst producing their case).
- Cost of providing mediation.
- Seeking legal advice on SEND law.
- Instructing Counsel and legal fees.

Statement of Grant Usage

- The local authority must prepare a Statement of Grant Usage for the period of the trial (03/04/2018 – 31/03/2020), providing detail of the eligible expenditure for the period. A format of the Statement of Grant Usage can be found in Appendix 3.
 - The Statement must be submitted to the Department for Education no later than 28-days after the end of the Grant Period.
 - The Statement must be certified by the authority's chief executive that, to the best of their knowledge it reflects the correct amount of eligible expenditure for the trial period, and confirms the grant has been used for its intended purpose.
- The Local Authority's Chief Internal Auditor should provide an audit judgement as to whether the statement accurately reflects the eligible expenditure for the period of the trial.
 - The audit judgement should be submitted alongside the Statement of Grant Usage submitted by either the authority's Chief Executive or Chief Financial Officer.
 - The authority must inform the Department of any financial control issues raised by the Chief Internal Auditor.
 - If the Statement of Grant Usage identified any overpayments of the grant, the authority must reimburse the Department within 30-days.
 - The Secretary of State may request a further validation of the Statement of Grant Usage by a qualified independent accountant or auditor.
- The Authority must maintain reliable, accessible, and up to date account records of all expenditure funded under the Grant Funding Agreement.

Appendix

Digital versions of the following documents can be assessed in the [toolkit](#), which can be accessed via the following link: <https://www.sendpathfinder.co.uk/send-single-route-of-redress-national-trial>.

1. Grant Funding Agreement

National trial to extend the powers of the First-tier Tribunal SEND to make non-binding recommendations on health and social care needs and provision as specified in Education, Health and Care plans – for appeals against local authority decisions or EHC plans issued or amended between 3 April 2018 and 31 March 2020.

The DfE Grant reference number is SEND NT LA expenses 01

This Grant Funding Agreement is effective from 3 April 2018.

Signed by person authorised to sign on behalf of the Secretary of State [DfE to complete]	
Date	
Signature	
Name (please print)	
Position in DfE	

As representative of **[insert name of the local authority]**:
I have read and understood both the Grant Offer Letter and the associated annexes including the DfE's Grant Terms and Conditions for this grant as set out in annex C. I agree to comply with the notified conditions of the grant on which the offer is made.

Signed by person authorised to sign on behalf of [insert name of local authority] : <input type="text"/>	
Date	
Signature	
Name (please print)	
Position in organisation	
Address/email details and telephone number	

The local authority must sign this annex and send it with the first initial claim submitted (form at annex B) in order to receive the grant funding.

2. Grant Claim Form

Grant reference number: SEND NT LA expenses 01									
Single Route of Redress National Trial - Grant claim form for claiming grants in arrears - Annex B(i)									
DfE will pay up to £4000 per claim, if the actual costs exceed £4,000, then the local authority should record this in the 'cost incurred but not claimed' column of the table and the information will be used for research purposes.									
Please insert your local authority name:									
Costs incurred to:	Costs for:	Breakdown of costs:	Costs claimed - up to £4000 total		Other	Total (£)	Cost incurred but not claimed - Please include details of any additional costs incurred over the £4000 for research purposes		
			Staff Time (hours)	Costs					
LA SEND team	Preparation for a trial hearing involving social care issues	Informing the social care team of the appeal and request for recommendations and collecting evidence from the social care team in response to the request for recommendations to contribute to the bundle of evidence to send to the Tribunal				0			
LA SEND team	Preparation for a trial hearing involving health issues	Informing the health commissioning body of the appeal and request for recommendations and collecting evidence from the health commissioning body in response to the request for recommendations to contribute to the bundle of evidence to send to the Tribunal				0			
LA SEND team	Attendance at a trial hearing	Additional costs related to attending an extended trial hearing				0			
LA SEND team	Forwarding response to recommendations	Sending the response to recommendation letters received from the social care team and the health commissioner to the evaluators				0			
LA SEND team	Other - please specify	Specify any other trial activity costs here				0			
Social care team	Preparation for a hearing	the gathering of evidence, creating an outline argument, sending evidence to the local authority and any case management activity				0			
Social care team	Attendance at a trial hearing	Sending a witness to a trial hearing				0			
Social care team	Response to recommendations	Responding to parents about recommendations from the Tribunal				0			
Social care team	Other - please specify	Specify any other trial activity costs here				0			
Health commissioning body - including CCG and NHS	Preparation for a hearing	the gathering of evidence, creating an outline argument, sending evidence to the local authority and any case management activity				0			
Health commissioning body - including CCG and NHS	Attendance at a trial hearing	Sending a witness to a trial hearing				0			
Health commissioning body - including CCG and NHS	Response to recommendations	Responding to parents and LA about recommendations from the Tribunal				0			
Health commissioning body - including CCG and NHS	Other - please specify	Specify any other trial activity costs here				0			

3. Statement of Grant Usage

National trial to enable the First-tier Tribunal SEND to make non-binding recommendations on health and social care needs and provision as specified in Education, Health and Care plans – for expenses incurred with appeals against local authority decisions and EHC plans issued or amended between 3 April 2018 and 31 March 2020.

The DfE Grant reference number is SEND NT LA expenses 01

*** [The letter is to be reproduced on headed paper of the local authority]**

Notes for completion:

1. The Grant Recipient shall prepare a Certification of Grant Usage for the Grant Period (trial appeals against local authority decisions and EHC plans issued or amended between **3 April 2018 and 31 March 2020**).
2. This comprises three parts:
 - a) Certificate of Grant Usage
 - b) Report confirming delivery; and
 - c) **If requested by DfE** a final financial statement of expenditure
3. The Grant Recipient shall submit the forms to the Department for Education, SAPAU, 2nd Floor, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, no later than **twenty eight days from the end of the Grant Period**.

a) Certificate of Grant Usage

Name of organisation

Insert Name of local authority

Approved Project title

National trial to extend the powers of the First-tier Tribunal SEND to make non-binding recommendations on health and social care needs and provision as specified in Education, Health and Care plans

- The total Grant amount of £**insert figure** was exclusively used for the purposes set out in the agreement between the Grant Recipient and the Department, dated 3 April 2018.
- A report on the activities funded by the Grant Funding will be submitted to the Department, confirming that the grant objectives have been delivered to a satisfactory standard and the expected benefits that have accrued or will accrue. The report will be provided within 28 days after the completion of the funding of the single route of redress national trial.
- If requested by DfE, a final financial statement detailing the use of the Grant Funding will be provided in section c – Statement of Expenditure. This is a summary statement of all receipts and expenditures connected with the above Project. The organisation's financial systems that recorded the income and expenditure of this Grant have provided sufficient internal control for the purposes of this certification.

Signature

Name

Date

Position

Organisation
address

Postcode

Initialed by Organisation's Chief Financial Officer/
Auditor

b) Report confirming Delivery

(setting out how the funding has been applied detailing all relevant objectives.)

c) Statement of Expenditure

Name of Local Authority	Insert Name of local authority	
Name of Approved Project	National trial to extend the powers of the First-tier Tribunal SEND to make non-binding recommendations on health and social care needs and provision as specified in Education, Health and Care plans	
DfE Grant reference number	SEND NT LA expenses 01	
Expenditure Type		(£)
TOTAL EXPENDITURE		



Department
for Education

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