Exceptional Funding Panel

Terms of Reference

1. Purpose

The Exceptional Funding Panel (EFP) provides a formal, transparent decision-making route for cases where the costed provision specified in Section F of an EHCP cannot reasonably be met within the top band of Swindon's banding framework, or where there is a significant, evidenced in-year change in need. The panel's role is to secure the specified provision lawfully and proportionately, with time-limited uplifts, routine review, and clear audit trails.

2. Scope

The EFP applies across phases (Year 1 to post-16) and settings (mainstream, resourced provision, special schools, alternative provision and further education) for resident children and young people with EHCPs where the required provision exceeds the top band or is altered by an in-year change in need. Funding decisions must follow the provision set out in Section F; banding is a mechanism for allocation and must not constrain lawful specification or delivery.

3. Legal and policy basis

Panel decisions are made within the local authority's statutory duties to secure the special educational provision in Section F of EHCPs and to commission/fund high-needs provision through the DSG High Needs Block.

4. Principles

- Needs-led and lawful: funding follows specified provision, not vice versa.
- Transparent and consistent: clear criteria, evidence standards and recorded rationales.
- Time-limited and outcomes-focused: uplifts reviewed termly and at annual EHCP review.
- Data-informed and accountable: termly dashboards to Schools Forum via the DSG plan.
- Moderated parity: multi-agency moderation to test consistency across settings/phases.

5. Membership

Core membership:

- Chair: Head of SEND (or delegated senior SEND manager).
- Education representative (service lead).
- Finance representative (High Needs finance lead). In attendance by exception: Health and/or Social Care (case-dependent); Legal (advice as needed).

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- Schools representative (nominated by Schools Forum; rotating mainstream/special/AP seat, 12-month term)

This composition reflects multi-agency governance for high-needs commissioning and funding.

6. Quorum

A minimum of three core members (SEND, Education, Finance) must be present. Where health/social care factors materially influence provision or risk, a relevant professional should attend or provide written advice to inform the decision.

7. Responsibilities

- Determine eligibility for exceptional funding against agreed criteria and thresholds.
- Evaluate evidence, including a costed provision map linked to EHCP outcomes.
- Set uplift value, duration, review dates and conditions (e.g., step-down triggers).
- Ensure decisions secure Section F and do not allow banding to constrain specification.
- Refer systemic issues (e.g., sufficiency gaps) into commissioning/DSG planning.
- Record decisions with full rationale; maintain an auditable log.

8. Eligibility and thresholds

An application qualifies when the costed provision map evidences that Section F cannot reasonably be delivered within the top band (e.g., sustained >1:1 support; complex health/nursing; residential or highly specialist provision), or where there is a significant, evidenced in-year change in need. The threshold is set by the total cost of specified provision, not a percentage uplift. Routine cases are excluded; ordinarily available provision and banded funding must be exhausted first.

9. Evidence requirements

Applications must include:

- The EHCP (latest version) and a costed provision map linking interventions, frequency, duration and staffing model to outcomes in Section F.
- Recent professional reports (EP, therapy, clinical, social care) substantiating the provision.
- A short statement showing local options explored and why they are insufficient.

10. Meeting frequency and papers

The panel meets half termly, with provision for urgent meetings for material in-year changes. Papers are submitted at least five working days in advance and include the standardised application form, evidence pack and proposed uplift/rationale.

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11. Decision-making and minuting

Decisions are reached by consensus where possible; where needed, the chair may determine the outcome. Minutes capture case references, evidence considered, decision and rationale, uplift value, duration, conditions, review date and actions. The decision log is subject to internal audit.

12. Reviews

Exceptional uplifts are time-limited (normally up to 12 months), with termly light-touch checks and a formal decision at the annual EHCP review to continue, step-down or escalate. Reviews follow evidence of progress against outcomes and any updated professional advice.

13. Financial controls and value for money

- A cap applies to exceptional uplifts aligned to the agreed exceptional rate; proposals to exceed the cap require escalation and documented justification.
- For cases above £100k, the panel requires a cost-comparison of viable options (local specialist, outreach, residential blends) and evidence that the chosen option best secures Section F and delivers value for money.
- Aggregated EFP data informs the DSG management plan, commissioning, and band calibration.

14. Moderation and audit

Moderation samples decisions across settings and phases each term to test parity of eligibility application, evidence standards and uplift values; findings are logged with actions. The decision log and a sample of case files are audited annually.

15. Reporting

The SEND service will include EFP dashboards in the termly DSG management plan presented to Schools Forum: volumes, values, outcomes at review, setting/phase distribution, and any emergent themes.

16. Data protection and confidentiality

All papers and records are handled in line with information governance requirements; external attendees may be asked to sign confidentiality undertakings reflecting the sensitive nature of panel business.

17. Conflicts of interest

Panel members must declare and withdraw from cases where they have a material conflict (e.g., line management of a provider, direct financial interest). The chair records declarations and actions taken.

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18. Equity and co-production

Information for families and schools about the EFP will be co-produced with the Parent Carer Forum and published as FAQs and process maps. Equity of access is monitored via the termly dashboard and moderation sampling.

19. Implementation and capacity

The LA will ensure adequate capacity for scheduled panels, termly moderation, and DSG dashboards, and will deliver training for case officers, SENCOs and panel members on evidence standards, lawful specification and decision recording.

20. Risk management

A single set of templates and a published terms of reference will reduce variability. Moderation and audit cycles will identify and address inconsistent decisions. Mandatory training and documented decision rationales will be enforced.

21. Escalation and dispute resolution

Where disagreements persist about funding, cases may be re-presented with additional evidence; families and schools retain the standard routes via EHCP review, mediation or Tribunal where Section F content is disputed.

22. Review of the ToR

These ToR will be reviewed annually, or sooner if changes to DfE guidance, local commissioning or DSG conditions of grant require amendment.

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