Purpose

1. This paper provides the Council with a report on provision for young people and adults with learning difficulties and/or disabilities.

Recommendation

2. Members of the Council are recommended to:
   
a) receive and comment on this report; and
b) invite the Chairs of the LSC Regional Councils to consider having one member of the Regional Council acting as a champion for LLDD.

Background

3. At its meeting on 30 July 2008, Council agreed a programme of reports it wished to receive over the coming year on issues around young people’s learning and skills.

Learners with Learning Difficulties and/or Disabilities

Overview

4. A key challenge for the LSC is to continue to develop the provision and support available to learners with learning difficulties and/or disabilities (LDD), so that we can realise the vision described in the Learning for Living and Work strategy that people with LDD have access to, and experience of, post-16 learning that is equal to that experienced by their peers without LDD. As part of that, we will:
   
   - continue to explore and develop a range of funding reforms that focus on the needs of learners, are equitable across all parts of the FE system, and secure significant improvements in value for money;
- increase the numbers of young people with LDD who participate in Apprenticeships;
- implement the refreshed Mental Health Strategy;
- continue to use Investment for Change funds to develop high quality local provision that leads to increased employment, or supported employment opportunities for young people with LDD;
- respond to findings from the survey into adult (post-19) provision for learners with LDD;
- find better ways to identify young people in learning who have LDD, and their carers, so that they are aware of the full range of provision and support available to them and are able to access it;
- ensure that the Foundation Learning Tier incorporates appropriate progression pathways for young people with LDD.

**Machinery of Government (MOG)**

5 The LSC’s powers and duties in respect of learners with LDD are not as clearly separated at age 18 as they are for other learners. One of the main outstanding issues to be resolved in terms of the MOG changes is the division of responsibilities between DCSF/YPLA/LAs and DIUS/SFA. The LSC has been advising and informing the Departments’ deliberations and consideration of this complex issue.

**Work to be Taken Forward During 2008-09**

6 Some very specific pieces of work are being taken forward in 2008-09, including:

- **OLASS** – a project to look at the use of a hidden disabilities questionnaire to raise awareness amongst staff
- **Forensic Units** – a project to gather essential baseline data and begin to identify the key issues and concerns facing learners and teachers within Forensic Settings and Secure Units
- **Distance Learning** – a conference to share practice on distance learning models for people with learning difficulties and disabilities
- **LLDD and the Internet** – a project to highlight safe-working with the internet for people with learning difficulties, working with providers, awareness raising and training with staff, and the production of a range of easy read leaflets
- **Apprenticeships** – an independent review into the trends and regional variations in the take up of apprenticeships by people with disabilities.

7 Further details are provided at the Annex.
Clearance
This paper has been cleared by Rob Wye, National Director of Young People’s Learning and Skills.

Communications
No external communications necessary.

Impact assessment
The various initiatives and activities described in this paper are intended to have a positive impact on the learning opportunities of young people, and in particular of disadvantaged young people.

Resources
The costs associated with the initiatives and activities described in this paper are within existing plans for increased participation by young people.

Paper creator       Rob Wye
Date created        October 2008
ANNEX

Numbers and Budgets

a) Maintained secondary and special schools

There are in the region of 16,000 young people over the age of 16 with special educational needs (SEN) in maintained secondary and special schools. The additional needs of these young people are met by local authorities from a block grant provided by the LSC. In 2008/09 that block grant amounted to around £188 million.

b) LLDD in further education or work-based learning

There has been a continuing increase in participation in FE and WBL by learners with self-declared LDD and/or health problems, currently accounting for 13 per cent of FE learners and 12 per cent of apprenticeships.

In 2006/07, the total of around 325,000 learners with self-declared LDD and/or health problems in further education was made up of:
- 16-18 year olds – 109,600
- 19-24 year olds – 46,000
- over 25 – 169,000.

There were a further 56,000 learners with LDD in work-based learning, 15,000 on Entry to Employment (E2E) programmes and 68,000 in adult and community learning.

The additional needs of these learners (with the exception of the last two groups, where no additional funds were provided – in the case of E2E because an assumption of additional needs was built in to the basic allocation) are met from the Additional Learner Support (ALS) funds, which amounted to £360 million in 2006/07.

c) Learners in independent specialist providers (ISPs)

The LSC funds the provision for some 3,600 young people aged 16-25 at independent specialist providers (for example, Doncaster College for the Deaf). The budget for these learners is demand led, with placements being agreed on an individual basis. The number, and special needs, of these learners are increasing, with around 2,800 of them requiring residential support, and all having health and/or social care needs. The costs of this provision have risen from £125m in 2004/05 to a current forecast outturn for 2008/09 of £226m.

One issue of concern for the LSC has been that a significant amount of the funding has been used for non-learning costs related to the health and social care needs of those young people. The LSC does look to secure third party
contributions to these learner placement costs (for example from local authorities and primary care trusts), but this amounted to only £18m in 2007/08.

In respect of this provision, the LSC is looking to reduce the costs, whilst maintaining and improving quality. The East of England ‘Improving Choice’ Pathfinder has demonstrated that the use of the Learning for Living and Work Framework and the Resource Allocation System can increase participation, third party contributions and multi-agency working, whilst reducing the cost of individual placements and enabling more learners to stay in their local area. Third party contributions in this LSC region have increased from 2.04% in 2005/06 to 7.66% in 2008/09, whilst participation on the pathfinder has increased from 200 learners in 07/08 to 313 learners in 2008/09. These numbers are in addition to those accessing out of county placements at independent specialist providers.

**Review of Exceptional funding cases over £50,000**

In 2007/08, the LSC commissioned consultants to review all cases where the funding for individual learners exceeded £50,000. The results have been fed back to regional colleagues for their attention and consideration when agreeing placements, and it is intended to repeat this exercise in 2008/09, possibly looking at all those funded at over £40,000.

**Learning for Living and Work: Progress Report**

In December 2008, the LSC will publish a document to report on progress to date in implementing Learning for Living and Work. This report will review the 22 headline actions and detail how the Investment for Change funds have been utilised to develop an increased supply of high-quality local provision and increased participation of people with LDD in the economy and our communities.

The LSC has allocated £35m Investment in Change funds through regions to date, and in 2008-09, will invest a further £16m in development projects. These projects will underpin the three key priority areas from Learning for Living and Work: investing in provision; raising quality of provision; and increasing economic participation through sustainable employment. All previous and current year projects will be subject to evaluation and monitoring.

**Mental Health Strategy Re-Fresh**

The Grant Letter 2005/06 to the LSC stated a need to address mental health and social exclusion issues. The LSC’s Annual Statement of Priorities 2005/06 noted that the LSC would respond to the Social Exclusion Unit’s report on meeting the needs of people with mental health difficulties and would publish proposals to improve services to learners with mental health difficulties. There is a high correlation between poverty and poor health and between low levels of educational achievement and health, and it is acknowledged that a lack of qualifications can cause and reinforce social exclusion for people with mental health problems.
In 2006 the LSC published its strategy ‘Improving services to people with mental health difficulties’, supported by the NIACE/NIMHE partnership and programme. The strategy represents an international exemplar of commitment to this group of learners. At the same time the LSC also published ‘Learning for Living and Work’, which highlights a wider commitment to all learners with learning difficulties and/or disabilities, and of which the mental health strategy is a part.

The LSC is committed to reviewing and evaluating its programme of work to ensure appropriate high quality provision and to raise awareness among, and work with, employers to increase the number of people with disabilities entering and being maintained in employment. The partnership with NIACE/NIMHE has meant that the programme of work in 2007-08 had a strong cross-government focus and influenced the work of the National Social Inclusion Programme (NSIP).

A major part of the programme for 2008-09 is to refresh the LSC's strategy on mental ill-health and link to the Department of Health work on ‘healthy colleges’, the work of the Social Exclusion Unit, Forensic Units and Offender Learning and the cross cutting agendas set out in Progression through Partnership and Improving Specialist Disability Services.

The refreshed strategy was launched at the NIACE annual disability conference on 29 September 2008. Following a period of consultation, ending in December 2008, the strategy will be published in February 2009.

Enhancements to the Individualised Learner Record (ILR)

From September 2008, the Information Authority has agreed to two new codes in the Individualised Learner Record (ILR) disability field. The additions were Asperger’s Syndrome and Autistic Spectrum Disorder. These codes are now available for learners to self-declare on the ILR.

Independent Specialist Providers do not currently have to complete an ILR for LSC-funded learners, but the Information Authority has agreed to a pilot to test how that might be introduced from 2009/10. Consultation is being held currently with stakeholders.

**Judicial Review Outcome: Potential Learner Placement at an ISP**

A recent Judicial Review has clarified the interpretation of Section 140 of the Learning and Skills Act 2000, which deals with the assessment of a young person’s learning difficulties.

The declaration made by the Court was that the assessment and report served by the Local Authority (LA) did not comply with the requirements of Section 140, and the Court has ordered that the LA should reconsider the assessment and report.

The judgement included a statement that:
- “The assessment must not be simply a set of recommendations in theory, but must deal with what actual real provision can be made. Assessment and reports based on hypothetical provisions would not be enough to satisfy section 140(4) (b).”

The judgment makes a number of other points but the main issue is that Connexions/LA need to not only prepare a report that assesses the learner’s education and training needs but also specifically identify what provision will meet those needs. This means actually stating the college in question and the actual provision that will (ie not “might”) be put in place.

**Analysis of Need**

During 2007 each regional LSC carried out a comprehensive analysis of need to map current provision and learners with LD/D, identify trends and gaps in provision. This analysis will be carried out on an annual basis, inform the use of development funding, steer provider dialogue and form part of the intelligence to pass to Local Authorities.

**Offender Learning**

Offenders are amongst the most disadvantaged groups in society, not least because around 90 per cent of offenders are suffering from mental ill health, and as such are an important priority for the LSC.

The primary purpose for Offender Learning And Skills Service (OLASS) is to increase the employability of offenders and thereby reduce re-offending. By improving the skills of offenders, we can increase their ability to function in society.

The process for re-tendering the Offender Learning And Skills Service will be completed by August 2009, when new 5 year contracts will be in place in each of nine regions.

The OLASS contract has been strengthened with specific reference to offenders with LDD, to ensure providers demonstrate how they will be addressing the mental health needs of offenders, to set out the strategies and support they will put in place, together with how they will support and develop staff.

**Supported Employment Conferences**

*Learning for Living and Work* included a statement that, by September 2010, the LSC would no longer fund vocational provision for disabled people that did not have a focus on the supported employment model or learning in the workplace. In May 2007, Chris Banks chaired the national NIACE/REMPLOY conference which considered the implications of the Government’s policy and practice to support
disabled people into employment. The conference resulted in a challenging agenda providing the framework for taking the work forward.

As part of the LSC’s work to further the development of the supported employment model, nine regional conferences were held between January and April 2008. NIACE has produced a detailed report providing the key messages that emerged from the conferences, which will be published in November 2008. The report also makes a number of challenging recommendations to the LSC, DCSF, DIUS and other key partners on how this work can be taken forward. There is a separate section on the learner voice which focuses on the learner presentation given at each of the conferences and a summary of the key points made by employers who spoke at the events.

**LLDD Learner Panel**

NIACE has recently completed the first phase of a research project to scope possible ways in which people with LLD can respond to the National Learner Panel, established in 2006 by Bill Rammell, on issues of particular relevance to them.

This interim report will shortly be published and NIACE will next establish how best to implement a model which will be sustainable beyond the lifetime of the LSC. This research will be completed in March 2009.

**Independent Review of Adult Provision for LLDD**

The LSC commissioned the Institute for Employment Studies (IES) to carry out an independent review into the impact of changes in provision on people aged 19 and over with LDD. The final report is being considered and will shortly be published together with the LSC’s response. The key findings are:

- the majority of FE providers surveyed did not report any decline in provision for learners with LDD aged 19 and over
- a significant minority of providers have reduced their provision
- learners themselves have a positive perception of the range of courses available to them.

**Carers**

As part of the work to improve the support offered to learners who were also carers of people with LDD, the Information Authority (IA) was asked to consider including a “Carer” flag in the ILR from 2009/10. The IA did not agree to this request, because of concerns about the definition of “carer”. The Carers into Education group (which includes members from LSC, DCSF and NIACE) will consider this further with a view to going back to the IA in 2009.

The LSC is also seeking to raise awareness of the support which is already available in respect of learners who are also carers, with a potential 12 per cent
uplift in funding being available to institutions. We have provided leaflets for carers and information for FE providers and will be funding a scoping study to research what is presently available for carers in mainstream education, the results of which will identify what is needed to further promote carers’ education.

The Carers into Education group is aiming to trial with Worcester College of Technology the identification of a “Carers’ Champion” within the college, who would be aware of the needs of carers and provide support for carer students.