Funding Guidance: Placement for Learners with Learning Difficulties and/or Disabilities at Independent Specialist Providers 2009/10

December 2008

Of interest to everyone involved in delivering LSC-funded provision for learners with learning difficulties and/or disabilities
Further information
For further information, please contact the appropriate Learning and Skills Council office. Contact details for each office can be found on the LSC’s website: www.lsc.gov.uk.

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This guidance sets out the procedures and the criteria that the Learning and Skills Council uses to fulfil its legal duties towards learners with learning difficulties and/or disabilities in 2009/10 at independent specialist providers.

The arrangements for 2009/10 remain broadly the same as in previous years. It is likely, however, that arrangements for future years will change in line with the machinery of government changes and the introduction of demand-led funding.
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Introduction and Context

1 This guidance sets out the procedures and criteria by which the Learning and Skills Council (LSC) will fulfil its legal duties and powers in relation to securing the provision of education and training for learners with learning difficulties and/or disabilities.

Learning and Skills Council

2 The Learning and Skills Act 2000 (the Act) was introduced to deliver the Government’s vision of a coherent and transparent funding system for post-16 education and training that will:

- be responsive to the demands of individuals, communities and employers; and
- promote excellence, high quality and value for money.

3 The LSC exercises its responsibilities in the context of a number of government initiatives designed to promote equality of opportunity for individuals and to achieve social inclusion. Requirements are also placed on other agencies that contribute to the achievement of these aims. Some of the initiatives that relate to learners with learning difficulties and/or disabilities are summarised in Annex A.

4 In June 2007, the Prime Minister announced a series of changes under the broad agenda of ‘machinery of government’. This included the creation of two new departments: the Department for Children, Schools and Families (DCSF) and the Department for Innovation, Universities and Skills (DIUS). These two departments share responsibility for learning and skills for people of all ages. Bringing together all the key aspects of policy affecting children and young people, including those with learning difficulties and/or disabilities, will strengthen the Government’s support for children, young people and families through any future challenges.

5 In October 2008, DCSF published more details of the role of local authorities and the Young People’s Learning Agency (YPLA) in its publication Delivering 14–19 Reform: Next steps (DCSF, 2008). The LSC will continue to work closely with DIUS, DCSF and other key partners on the proposals and arrangements, including the detail of the transfer of responsibilities from the LSC to the YPLA and the Skills Funding Agency (SFA), as well as ensuring that the interdependencies are fully recognised and the transition arrangements are integrated.

6 Until the SFA and YPLA are established in 2010, the LSC remains legally responsible for delivering the Government’s 16–19 and post-19 priorities and targets. It is essential therefore that, alongside the LSC’s work with both departments on the design and implementation of the new models, the LSC continues to discharge its responsibilities effectively and to support learners with learning difficulties and/or disabilities.

Section 13 of the of the Learning and Skills Act 2000

7 The Act requires the LSC to have regard to the needs of people with learning difficulties and/or disabilities when discharging its main duties. Under the Act, a person is described as having a learning difficulty and/or disability if he or she:

- has a significantly greater difficulty in learning than the majority of people of his or her age; or
- has a disability that either prevents or hinders him or her from making use of facilities of a kind generally provided by institutions providing post-16 education or training.

8 The Act also imposes duties and powers in respect of securing boarding accommodation (referred to as ‘residential provision’ throughout this document, except in extracts from the legislation). These apply to the following three groups of potential learners with learning difficulties and/or disabilities.

- Learners who are above compulsory school age but not yet 19: if it cannot secure facilities for education or training that are sufficient in quantity and adequate in quality for a person with a learning difficulty and/or disability who is over compulsory school age but not yet 19 without also securing residential provision, then the LSC must secure residential provision for him or her.

- Learners who are aged 19 but not yet 25: if it cannot secure reasonable facilities for education or training for a person with a learning difficulty and/or disability who is aged 19 but not yet 25 without also securing residential provision, then the LSC must secure residential provision for him or her.
• Learners who are aged 25 and over: if it cannot secure reasonable facilities for education or training for a person with a learning difficulty and/or disability who is aged 25 or over without also securing residential provision, then the LSC may secure residential provision for him or her.

9 Facilities are reasonable if (taking account of the LSC’s resources) the facilities are of such quantity and quality that the LSC can reasonably be expected to secure their provision.

10 The LSC also takes into account these provisions when considering whether to secure a day placement for a learner at an independent specialist provider.

11 The provisions of the Act that relate to the LSC’s duties towards learners with learning difficulties and/or disabilities are set out in full in Annex B.

Education and Skills Act 2008

12 The duty to arrange an assessment of learners’ education and training needs, and the provision required to meet those needs, was previously with the Secretary of State pursuant to section 140 of the Learning and Skills Act 2000. That section has now been amended by the Education and Skills Act 2008 to apply only to Wales.

13 The obligation to arrange the assessment of the education and training needs of learners in England, and the provision required to meet those needs, now rests with local education authorities, pursuant to section 80 of the Education and Skills Act 2008, which creates new sections 139A–C of the Learning and Skills Act 2000. The full text of sections 139A–C is set out in Annex B of this Guidance, along with other relevant sections of the Learning and Skills Act 2000 (for the purposes of this Guidance) that have been amended by the Education and Skills Act 2008.

14 Local education authorities now have a duty to arrange an assessment of a person with a statement of special educational needs (SEN) at some time during the person’s last year of schooling where the local education authority believes that person will leave school at the end of their last year of compulsory schooling or at some time during their current school year to receive post-16 education or training or higher education.

15 Further, local education authorities now have a power to arrange an assessment where a person is in his or her last year of compulsory schooling or is over compulsory school age but under 25 years old, where he or she appears to the local education authority to have a learning difficulty and/or disability and is likely to receive post-16 education or training or higher education.

16 The basic principles of the independent assessment of a learner’s education and training needs and the identification of provision to meet those needs, subject to the other relevant duties the LSC must consider when assessing applications for funding, remains relatively unchanged. In the main, previous references to ‘section 140’ in this Guidance now read ‘section 139A’.

Placements at independent specialist providers

17 Under Section 13 of the Act, the LSC has a duty to fund a residential placement at an independent specialist provider for those learners with learning difficulties and/or disabilities only where it is satisfied that it cannot secure the provision of education and training that meet the learner’s needs unless it funds a residential placement. In the light of recent policy initiatives and ongoing development work, local and regional provision for learners with learning difficulties and/or disabilities is increasing. It is therefore likely that the education and training needs of an increasing number of learners with learning difficulties and/or disabilities can be met within general post-16 provision in their local area.

18 In considering requests for placements at independent specialist providers, the LSC expects that the agencies involved with the young person will have considered with that young person and his or her family and/or carers all appropriate options for his or her post-16 education, including those already in place and those that are under development. It is envisaged that these options will have been considered during transition planning (as per the Special Educational Needs Code of Practice, published by the Department for Education and Skills (DfES, 2001), which came into effect in January 2002) and through assessments carried out under section 139A of the Act (the LSC must have regard to any assessment under section 139A). Evidence provided to support an application for funding an independent specialist residential placement must clearly demonstrate that local options have been fully considered and that these do not meet the learner’s educational or training needs. This evidence should be part of the section 139A assessment.

19 Section 139A assessments must entail a proper assessment of the education and training needs and the provision required to meet them. It is envisaged that the assessment will use, but not rely upon, available documentation and should include a meeting with the learner to ensure the information used is relevant and up to date.

20 Where a learner is under the age of 19 and has a statement of SEN, and the most appropriate placement is within a school, the learner remains the funding responsibility of the local authority. This includes transfers between schools within or outside the local authority area. Local authorities have a responsibility to continue to fund such learners until the end of the academic year in which they turn 19.
21 Funding for a placement (day or residential) will be considered following receipt by the LSC of a request on behalf of the learner by his or her referring agency (usually the local authority or Connexions). The details of this process are described throughout this guidance and involve the LSC working closely with all the agencies involved with the young person (the local authority, Connexions and others such as social services) as appropriate.

22 The LSC will not process any request that is submitted without sufficient supporting evidence. A section 139A assessment must be carried out for a learner in respect of whom the local authority maintains a statement of SEN and who will leave school at the end of his or her last year of compulsory schooling. Applications submitted for funding for such learners without a section 139A assessment will be returned to the referring agency and not progressed. However, for those without a statement of SEN, and/or who are under the age of 25, the LSC would still expect there to be a robust section 139A assessment as above.

23 Annex C to this guidance contains a list of all the independent specialist providers at which the LSC currently funds learners with learning difficulties and/or disabilities.

24 While the LSC endeavours to take account of the wishes of learners, their families and/or carers, it does not have a legal duty to fund the independent specialist provision of their choice if it is satisfied that it can secure adequate alternative provision locally.
Consideration of Placements

All placements

25 To secure funding for any placement at an independent specialist provider, it will be necessary to demonstrate, through relevant and up-to-date assessments, that independent specialist provision is essential to enable the learner to participate in education and training, and that local provision does not offer, nor can it make arrangements to put in place, the level of independent specialist support required as set out in the Act (see paragraph 7 above and Annex B) to meet the learner’s needs.

26 In all cases, the LSC will need to be satisfied that the proposed placement will meet the assessed educational and training needs of the young person and that the placement does not represent a disproportionate use of public funds. Further explanation of how LSC criteria apply to different age groups, in line with legislation, is given below. Referring agencies should ensure as early as possible that relevant joint funding agencies are involved in the process, and are made aware of the likelihood that they will be expected to contribute towards funding. These arrangements may include transport.

Residential placements

27 In addition to the above factors, the criteria for considering residential placements will focus on establishing that residential provision is necessary in order for the learner to be provided with education and training (see paragraphs 36 and 43 44) that meet his or her assessed needs.

28 In circumstances where a learner requires a residential placement because he or she has medical or care needs that a local provider is unable to address in an educational setting, the LSC would expect to secure joint funding for the placement with social services and/or the relevant health authority. This is in line with the expectations of the Children Act 2004, which places a duty on local authorities to make arrangements for key agencies to co-operate to improve the well-being of children and young people, and to pool budgets in support of this.

29 In June 2007, the Government produced an interdepartmental strategy, Progression through Partnership (DCSF, DoH & DWP, 2007). This signals the development of closer interdepartmental working, and the development of a joint programme of change. The strategy sets out to create more sustainable and seamless services for people with learning difficulties and/or disabilities. The LSC is a key partner in supporting the delivery of this strategy.

Day placements

30 Where a placement request is for a day placement at an independent specialist provider, the LSC will consider the request in the context of paragraph 25 above: independent specialist provision must be essential in order to enable the learner to participate in education and training. The placement must offer specialist support and/or equipment that is not available, and cannot be put in place, locally.
Placement Process

Principles

31 The LSC’s procedures for considering placements at independent specialist providers are designed to ensure that all relevant information is taken into account and that decisions can be justified in the context of the LSC’s statutory duties. The procedures are designed to be simple and transparent, deliver timely decisions and be consistent across the LSC.

Agencies involved in the process

32 The placement process recognises the key role of local authorities (working under children’s trust arrangements), particularly in relation to those learners who have a statement of SEN maintained by the local authority under section 324 of the Education Act 1996. The establishment of children’s trusts in September 2005 has brought increased strength to the co-ordination of multi-agency activity to support young people. Local authorities play a key role in relation to the preparation of assessments of the educational and training needs of learners with learning difficulties and/or disabilities and in the actual provision made available to meet those needs.

33 The LSC’s arrangements seek to use the information already available through local authorities and/or children’s trusts, and any other agencies already involved with the learner. However, the LSC may need to seek additional information in cases where it considers there is insufficient relevant and up-to-date information available for it to make a decision on whether or not to fund a specialist placement.

34 For this reason, for learners progressing directly from school, evidence regarding the current educational placement, the level of support provided and progress made towards their educational and training goals will be vital in the decision-making process.

35 Annex A explains the role of a local authority with regard to the education and training of young people with learning difficulties and/or disabilities. The LSC anticipates that each learner’s personal advisor will play a key role in liaising with the LSC and other statutory agencies to ensure that appropriate provision can be secured. The LSC will look to the local authority to ensure that all relevant and up-to-date information is made available to all potential providers (see paragraph 22).

Criteria

36 In relation to its duty towards learners below the age of 19, the LSC’s criteria for a placement at an independent specialist provider are that:

- there is no local provision that is sufficient in quantity and adequate in quality that can meet the learner’s education or training needs
- the assessment of the learner’s education or training needs demonstrates that an essential element can only be provided in a residential setting; or
- there is evidence that the learner has medical or care needs that cannot be addressed by local providers and that would prevent the learner from accessing education or training that was sufficient in quantity and adequate in quality to meet his or her needs.

37 Taking into account the LSC’s resources, for young people aged 19 to 25, the LSC’s criteria for a placement at an independent specialist provider are that:

- there is no local provision that is sufficient in quantity and adequate in quality that the LSC can reasonably be expected to secure and that can meet the learner’s education or training needs
- the assessment of the learner’s education or training needs demonstrates that an essential element can only be provided in a residential setting; or
- there is evidence that the learner has medical or care needs that cannot be addressed by local providers and that would prevent the learner from accessing education or training of such a quantity and quality that the LSC could reasonably be expected to secure and that would meet his or her needs.

38 The LSC will need to consider local provision, or packages of provision (for example, joint arrangements with local authorities in relation to the residential element of a placement) to ensure that they neither offer, nor are able to make arrangements to put in place, the level of specialist support needed to meet the learner’s education and training needs. This can include part-time learning provision as part of a wider package of provision and support.

39 For all placement requests, the LSC will require evidence demonstrating that the proposal for a placement has been made as a result of appropriate assessment and
guidance involving collaboration between agencies. Again, this is in line with the provisions of children’s trusts.

40 For all learners over the age of 19, including those over 25, the cost of the placement must be commensurate with the likely benefits to the learner.

Evidence

41 The LSC will need to be satisfied, on the basis of available evidence, that at least one of the criteria is met. It is essential, therefore, that the evidence provided in support of any placement request is up to date and appropriate to the request being made. Evidence will need to demonstrate the match between the placement, the education and training needs, and the realistic aspirations of the learner. Any assessment provided that is more than one year old at the date the application is received will require a formal update.

42 Where relevant, the documentation described in the list below would be the source of such evidence (where there are several versions, only the most recent is usually required). This is not an exhaustive list, and the LSC may need to seek additional relevant and up-to-date information, depending on the particular circumstances of the learner.

A local authority assessment

- The outcome of any assessment conducted under section 139A of the Act. Where there is a duty for the learner to receive a section 139A assessment, this is a required piece of evidence. In addition, the LSC would expect to see a section 139A assessment for all learners under the age of 25. Assessments must fulfil the requirements as set out in section 139A of the Act; they must clearly identify the learner’s education and training needs and the actual provision required to meet those needs, that is available under the LSC funding regime. Any assessments that do not comply with the requirements will be returned for action.

Statement of SEN

- The most recent review of the learner’s statement of SEN. Where a learner is progressing from any educational placement that is funded through a statement of SEN, this is a required piece of evidence.

School report

- A school report, or a report from the learner’s previous placement. It is expected that this would include the learner’s transition plan. Where learners are progressing from any type of educational placement, this is a required piece of evidence. It is critical that evidence is available to demonstrate the learner’s achievements, as well as the education and training support that facilitated and underpinned those achievements.

Social services report

- A relevant and up-to-date social services report. If the learner is currently receiving support from social services, this is a required piece of evidence. Where learners are not currently receiving support from social services, the referring agency should ensure that social services, adult services and children’s services (where appropriate) have an opportunity to assess the learner and review the elements of the package that relate to them. The outcome of that assessment should then inform the placement decision.

Medical or psychological report

- A relevant and up-to-date medical or psychological report. Referring agencies should include any relevant and up-to-date professional reports that are available and that will inform the decision-making process. These may include details of interventional medical or therapeutic support that the learner requires, planned surgery, or a report from an educational psychologist.

Local provider report

- A relevant and up-to-date report from local provider(s) that may be able to meet the education and training needs of the learner identified through transition planning.

- In order to support the criteria, it will be necessary to consider what local provision is available and whether or not it will, or could, meet the learner’s needs. This is a required piece of evidence, and must show how the provider has assessed the learner’s education and training needs, the outcomes of those assessments and, where an offer of a place has been made, the detail of provision that will be put in place to meet the learner’s education and training needs. Where the local learning provision will form part of a wider package of provision and support, there must be clear evidence of the availability of all the individual elements and of how they will fit together to deliver a coherent programme to meet the learner’s needs.

Independent specialist provider report

- A report from the independent specialist provider in respect of which the application is made, detailing the provision being offered and how this will meet the learner’s assessed education and training needs (see Annex D). The LSC expects independent specialist providers to ensure that all processes are clear and transparent. It may also be helpful for the independent specialist provider to discuss the learner with the referring agency before undertaking an assessment. This will ensure that the learner’s expectations are not unfairly raised. The LSC expects independent specialist providers to arrive at outcomes and recommendations in relation to the education and training needs of the learner that are evidenced and justifiable.
• Other relevant reports include reports from a probation service, advocacy service, respite service, disability employment advisor or an Ofsted inspection report.

**Evaluation against the criteria**

43 Where an application is based on the fact that local provision cannot address a learner's medical needs, there should be relevant and up-to-date medical evidence to support this. For example, the learner may be in need of continuous, ongoing and on-the-spot medical and/or therapeutic support and/or supervision in order to be able to access an educational programme that is not available, or cannot be made available, in the learner’s local setting.

44 Evidence must also show that the learner’s educational and training needs can only be met in a specialist setting, and that other provision (or a package of other provision) cannot meet those needs. Evidence must demonstrate that:

• the programme of study identified for the learner addresses his or her needs in a way that can only be found in a specialist setting; and

• there is a need for the development of essential skills such as communication, daily living, mobility and self-care in addition to educational learning which local provision or a package of provision cannot meet.

45 Evidence must demonstrate that the learner’s assessed educational and training needs cannot be met through any other setting, or combination of settings, within the learner’s local area.

46 The ability of all providers to make support available for learners with learning difficulties and/or disabilities will need to be considered in the light of the duties placed on providers by part IV of the Disability Discrimination Act.

47 The LSC would not expect to fund a residential placement at an independent specialist provider where there is evidence that local provision can meet the learner’s educational and training needs, but additional support is required to live in the local community. In these circumstances, the LSC considers that it is the responsibility of the local authority to ensure that the necessary support is available in the local community, or to fund the residential element of a residential placement.

48 Evidence must demonstrate how the proposed placement will build on the learner’s achievements to date, and the impact it will have on his or her long-term prospects, in terms of educational, employment and social aspirations.

**Procedure**

49 For placements starting September 2009, the LSC would ideally expect to receive requests by March 2009. Late applications may not be agreed in time for the start of the new academic year in September 2009. Referring agencies should discuss any concerns over the timing of applications with their regional contact (see Annex E). This is to ensure that there is adequate time for consideration of the request, and to allow effective transition planning to take place to support the learner.

50 As set out in paragraph 70 regarding exceptional funding requests in excess of £35,000 over the published funding levels outlined in Annex N will be subject to further independent national review. This may mean decisions take longer and referring agencies should discuss any concerns over the timing of applications with their home LSC.

51 The LSC will not process requests for placements more than one full academic year before the start of the placement.

52 The LSC has designated officers with responsibility for considering placement requests made on behalf of young people. Annex E lists the current contacts at the LSC, and the local authorities covered for each area.

53 Once a learner has been assessed by the agencies involved as needing a placement at an independent specialist provider, and there is relevant and up-to-date evidence to demonstrate that all other options have been considered and sound reasons why they have been discounted, the referring agency is required to complete a form (Annex F) summarising the request.

54 The referring agency should also seek the permission of the learner for whom a placement request is being made (and/or his or her parents and/or carers) for copies of all relevant supporting information to be shared with the LSC and the independent specialist provider and any other potential providers as appropriate. This is to ensure that a prospective provider can make an informed assessment of whether they can meet the learner’s educational and training needs as set out in the section 139A assessment. It also ensures that the LSC can review all the relevant paperwork when considering the request. The referring agency must also ensure that the learner (and his or her parents and/or carers) is fully aware of the evidence that is submitted to the LSC in support of the request. He or she must also be given the opportunity to provide supplementary evidence in support of the request, should he or she wish to do so.

55 The LSC will liaise with the referring agency to convene a placement meeting for the purpose of considering placement requests. On occasion, it will be helpful for other agencies to be represented at these meetings as well. The LSC and the referring agency will agree this in advance.
Independent specialist providers

56 The list of independent specialist providers at which the LSC currently funds learners with learning difficulties and/or disabilities is given in Annex C. Where a request is made for a young person to attend an independent specialist provider that is not currently in receipt of funds from the LSC, the referring agency should make early contact with the LSC to discuss the proposed placement. The LSC will confirm whether or not the provider in question has made an application to be considered for independent specialist provider status. Where this is not the case, an alternative independent specialist provider should be considered. Where an application by a provider is already under way, it may take up to 10 months to complete the process. All new independent specialist providers should offer high-quality learning provision that is not currently available in the local area, regionally or nationally. New independent specialist providers can also be considered where the existing provider base does not possess sufficient capacity to deliver the volumes required. The provision should meet the needs identified in the regional strategy for learners with learning difficulties and/or disabilities. If a provider fails to receive approval, the LSC would not usually consider a further application within 12 months.

Insufficient information

57 There may be occasions when the initial application forwarded by the referring agency is supported by insufficient evidence for the LSC to consider the request fully. Following discussion with the referring agency, the LSC officer will agree what additional information is required before arranging a placement meeting to consider the request. As part of its duty to ensure appropriate use of public funds, the LSC cannot commit any funding without sufficient and robust evidence to support the relevant criteria.

Placement meetings

58 The LSC will meet the referring agency to discuss the request for funding. It may also be helpful if other key professionals involved in supporting the learner are present; as above but not the parents, learner or carer. These professionals could be representatives of social services and/or the health authority. If it is found that the LSC does not have sufficient information on which to make a decision to fund or not to fund, the placement meeting may be adjourned to take place at such a time when that information becomes available or is made available. The learner, his or her family and/or carer and the referring agency will all be notified in writing of the decision made at placement meetings, together with the reasons for the decision.

Discussion forums

59 If, following the placement meeting, the decision is not to fund the placement, the LSC will invite all interested parties to a discussion forum. This will provide an opportunity for the learner, his or her family and/or carer to meet and discuss the relevant elements of the request with the LSC.

60 A discussion forum will not take place if the evidence clearly shows that other agencies are responsible for supporting the learner, for example if the proposed placement is within a school and the learner is under the age of 19 and has statement of SEN.

61 Where a discussion forum is held, it is essential that any relevant information that was not previously available for the placement meeting is made available for the discussion forum.

62 The aim of the discussion forum is to ensure that all the relevant information has been made available to all parties; all parties have the opportunity to participate in the process; there is an opportunity to ask questions and that the LSC is able to ensure any decision made is based on relevant and up-to-date information. If appropriate, the process will remit back to the placement meeting for further consideration. Every effort is made to ensure that all parties present understand the LSC’s decision.

Decision not to fund placements

63 If, following the discussion forum, the LSC’s decision is still that it is not able to fund the placement, the LSC will confirm this decision to the learner and his or her family and/or carer.

Independent appeals panel

64 In the case of a decision not to fund, the learner and his or her family and/or carer may ask the independent appeals panel to consider the case. Further guidance on this procedure can be provided on request. It is expected that the referring agency will continue to support the learner and his or her family and/or carer throughout the appeal process.
On-programme Issues

Proposed programme

65 The LSC is aware of the need for arrangements to reflect individual patterns of learning and will consider each funding request in terms of:

- the proposed duration of the programme
- progress through the programme by reference to, for example annual learner reviews
- how the programme builds on the learner’s education and training achievements to date
- how the programme will support the learner in making his or her transition beyond specialist provision. (The LSC does not expect to see transition from one independent specialist provider to another; it is expected that a placement at an independent specialist provider will enable the learner to develop the necessary skills and knowledge to allow him or her to progress beyond independent specialist provision.)

66 In considering each request, the LSC would want to be assured that the request had been made as a result of the learner’s educational and training needs having been appropriately assessed, having received appropriate guidance, considered all appropriate options for his or her post-16 education, and having had all of his or her relevant learning opportunities evaluated.

Revised funding matrix

67 The funding methodology for independent specialist providers is outlined in Annex G and Annex H. Further technical guidance is available for independent specialist providers and all providers are required to adhere to it.

68 The LSC’s funding regime reflects the comparable costs of a programme of study for a maximum of 38 weeks a year. The funding covers all elements of the programme and the support required by the learner to access the programme, including residential provision where appropriate. The funding also covers the cost of the pre-entry assessment of the learner by the independent specialist provider. No separate fees should be charged to the learner, or any agencies, in respect of this assessment.

69 The funding levels are gross, and any third-party contributions will be deducted from the fee in accordance with the contract made between these and the independent specialist provider. Contributions made by third parties in respect of any weeks over and above the LSC’s 38-week funding period will not be deducted. Referring agencies should, therefore, ensure that they make clear the purpose for which any third-party funding is offered. Providers are required to ensure that all contributions are appropriately declared.

70 Where independent specialist providers believe that the support needs of potential learners are exceptional and fall above those described within the funding methodology, they must ensure that sufficient information, in line with the requirements outlined in the Funding Technical Guidance for Independent Specialist Providers for 2009/10, is provided at the earliest opportunity. The LSC will not be able to make a decision on the placement request without sufficient information as to the learner’s identified exceptional needs and the funding required to meet them. All such cases will be reviewed on an individual and exceptional basis. Evidence will be required to demonstrate the learner’s exceptional needs rather than simply to justify the additional costs.

71 In addition, requests for exceptional funding in excess of £35,000 over the published funding levels outlined in Annex G will be subject to independent national review. This may mean decisions take longer, but the idea is to support the LSC’s responsibilities in respect of effective and proper use of public funds.

Learner reviews

72 Independent specialist providers are required to carry out a learner review at the end of the learner’s first term of placement, in the summer term of each subsequent year of funding including the learner’s final period of funding. Review reports must be sent to the home LSC. Further guidance on the content of review reports is in Annex I.

73 All review reports must be received by the LSC no later than four weeks after their completion. It is important to note that these reports are used by the LSC to inform future funding decisions and to issue annual contracts for each learner. Independent specialist providers must ensure that review reports are received in time for contracts to be created and agreed, and thus for payments to be released. Where learners are due to continue for a further academic year, it may, therefore, be helpful for these reports to be sent to the LSC no later than the end of May.
Changes in levels of support

Review process
74 Where there is a significant change in the support required for the learner, then the independent specialist provider may wish to consider requesting a change to the funding level in respect of the learner. It is expected that these changes will be identified within the review reporting process. The LSC expects that learners’ support needs will reduce in most cases as they make progress towards their individual learning aims. Where there is no such reduction in support needs and where the support needs, and therefore the funding levels, have increased, the LSC will require clarification of the reasons from the independent specialist provider, and what steps are proposed to work towards a reduction in support needs where appropriate.

In-year changes
75 Following identification of a change in support needs, requests to change a learner’s level of funding in year (that is at any time other than through the review process) will only be considered in exceptional circumstances.

Supporting evidence
76 To support any request to change funding levels, (whenever made), including those learners currently funded on exceptional funding levels, independent specialist providers must complete an amended rationale (Annex N) and forward it to the learner’s home LSC, together with the appropriate review report, and any other relevant evidence. This is particularly important where the change in support needs is identified outside the usual review process. All review reports and supporting information, including information relating to in-year changes, must be received by the LSC no later than four weeks after their completion. The LSC will not consider requests to backdate payments beyond 28 days from the receipt of review reports and/or supporting information. It is the responsibility of the independent specialist provider to ensure that the learner’s home LSC has received the documentation.

Transition planning
77 Transition planning is an integral element of every learner’s individual learning programme, as the purpose of any placement will be to support the learner to achieve his or her long-term aims and objectives. In particular, the review report prepared by the independent specialist provider towards the end of the learner’s placement must give a detailed indication of what transition planning has taken place and how it will continue through the final period of the placement. Further guidance is included in Annex I.

Extension requests
78 The LSC would only expect to receive a request to extend the duration of an originally agreed placement in exceptional cases. For example, this request might be made if a learner requires extra time to complete a programme of study because unexpected issues have delayed his or her expected progress towards the achievement of the individual learning aims.

79 The LSC will not consider extension requests based solely on the need for further transition planning for the learner. Transition planning must be integrated throughout the learner’s programme.

80 In conjunction with the independent specialist provider, the referring agency must forward any extension requests to the home LSC as early as possible before the start of the proposed extension period and no later than the end of the penultimate term of the learner’s existing placement. It is also expected that the referring agency will be able to demonstrate a thorough consideration of other local options for the learner.

Destination data
81 The LSC has a duty under the Act to present an annual report to the Secretary of State detailing its arrangements for complying with its general duty to promote equality of opportunity. This includes equality of opportunity between people who are disabled and people who are not. The report must also include an assessment of how effective the arrangements are in promoting equality of opportunity.

82 In order to comply with this requirement, independent specialist providers must complete a destination form (see Annex J) whenever LSC-funded learners leave them. This must be completed and returned to the learner’s home LSC within four weeks of the learner’s leaving date. It is a contractual requirement that this form accompanies the learner’s final review report and is returned to the home LSC within four weeks of the learner’s leaving date.

Withdrawals
83 In line with the LSC’s contract (schedule 2, section 5), the independent specialist provider must inform the home LSC as soon as possible if a learner is no longer attending the placement. In order to comply with this requirement, independent specialist providers are required to complete a withdrawal form (Annex K).

84 Independent specialist providers are asked to include a summary of the learner’s progress to date and, if known, the destination of the learner on leaving the independent specialist provider.

85 When a withdrawal is due to learner fatality, the independent specialist provider must immediately inform their home and local LSC. As soon as possible the independent specialist provider must complete a serious incident notification in line with health and safety guidance.
Data collection

At the beginning of each term, the home LSC will send, to each independent specialist provider, a placement summary report. Independent specialist providers are required to notify their home LSC of any changes to the information contained in this report within four weeks of receipt. Payments will be made on the basis of the individual learners detailed on the placement summary report and on the basis of the agreed level of funding as determined by the matrix level identified on the learner schedule.

Annually, in June, the home LSC will send, to each independent specialist provider, an attendance reconciliation report. Independent specialist providers are required to check the report, make any necessary amendments and return the report to their home LSC by 1 August. This will enable the home LSC to identify if any amendments or recovery of payment are necessary in accordance with Schedule 2 of the general terms and conditions of contract.
Other Guidance

Inspections

88 All LSC-funded provision will be subject to regular inspection against the criteria contained within the Common Inspection Framework 2005. The arrangements for this are available from the Office for Standards in Education, Children’s Services and Skills (Ofsted).

89 In addition, other regulatory bodies may carry out inspections at some independent specialist providers.

90 The LSC will take account of such inspection outcomes in ensuring that it meets its statutory duty to secure provision for learners with learning difficulties and/or disabilities that is adequate in quality.

91 The Government and the LSC stated that they were determined to ensure that all provision in post-16 learning and skills should be at least satisfactory by 2008. Where provision is identified at inspection as being of poor quality, or where it fails to improve, the LSC will take the appropriate action. Further information is available at Annex A.

Links with independent specialist providers

92 Some further education (FE) providers will offer provision to learners who are funded by the LSC at independent specialist providers, either on a part-time or full-time basis. In such cases, the independent specialist provider is expected to pay an agreed fee to the FE provider for the learner’s educational programme and any related support that the learner requires. Funding (including additional learning support) cannot be claimed by the FE provider for such learners, as they are already funded by the LSC at the independent specialist provider.

93 The LSC would not expect an FE provider to charge a fee to a independent specialist provider that exceeded the level of funding that the FE provider would have calculated for the learner, had the learner been included in its individualised learner record (ILR) return to the LSC.
Annex A

Information on Related Initiatives

1 This annex describes the relationship between the main body of this document and various government initiatives. The bibliographic references are presented as author, followed by date of publication, and the full references are in Annex O.

Learning for Living and Work

2 Learning for Living and Work (LSC, October 2006) is the LSC’s strategy for planning and funding provision for learners with learning difficulties and/or disabilities across the further education (FE) system. It is the result of a recommendation made in Through Inclusion to Excellence (LSC, November 2005), which followed a review of the LSC’s planning and funding of provision for learners with learning difficulties and/or disabilities across the post-16 sector. The report said that the LSC should:

- develop a national strategy for the regional and local delivery, through collaboration with partners, of provision for learners with learning difficulties and/or disabilities across the post-16 learning and skills sector that is of high quality, learner-centred and cost-effective.

3 The policy intention behind Learning for Living and Work is that ‘by 2015, England will be an international exemplar in providing high-quality post-16 education and training for learners with learning difficulties and/or disabilities’. The strategy is a major force for transforming the FE system.

4 By March 2008, the LSC had invested an additional £35 million across all regions to achieve systemic transformation and increased supply of high-quality local provision, including workforce development. By March 2009, the LSC will have invested a further £16 million in revenue to support both continuing and new projects that will enable more learners with learning difficulties and/or disabilities to participate in high-quality local education and training and, where appropriate, to progress to sustainable employment and/or greater independence in the community. The key priority areas for investment are to:

- understand demand and build capacity in provision
- raise the quality of provision, including through workforce development
- increase participation in the economy and our communities through sustainable employment.

5 During 2009/10, the LSC will continue to develop the provision and support available to learners with learning difficulties and/or disabilities so that we can realise the vision set out in Learning for Living and Work. Under the themes of communicating our priorities, planning and quality, funding, working with partners and learner progression, Learning for Living and Work sets out 22 headline actions. Two of these commit the LSC to ‘publish details of how the “investment to change” funds will be used to achieve systemic transformation and increased supply of high-quality, local provision’, together with an evaluation of the ‘progress and effectiveness with which the LSC has implemented the Learning for Living and Work Strategy’. This report will be published early in 2009.

Learning for Living and Work framework

6 The Department for Children, Schools and Families (DCSF) issues guidance (Assessments of Young People with Learning Difficulties, DCSF, March 2008) for staff working directly with young people with learning difficulties and/or disabilities to help providers meet their duty under section 139A of the Learning and Skills Act 2000 (see Annex B). This guidance is currently under review and it is expected that an updated document will be published for consultation early in 2009.

7 The East of England developed the Improving Choice pathfinder, and from this the Learning for Living and Work (LfL&W) framework. This works towards the consistent collation of all relevant and up-to-date information about the support a young person may need to access education and training, and ensure planning and funding, as far as possible, follows the learner. Parts 1 and 2 of the LfL&W framework incorporate the assessment required under section 139A and it is designed to help plan transition from school and enable appropriate options to be identified.

8 The LfL&W framework is designed for use as a planning document for all young people with learning difficulties and/or disabilities in transition to adult life. In the future it is hoped that it will be universally implemented as part of a transition plan from Year 9 (or earlier) to support long-term strategic planning and commissioning of services.

9 The LSC, through its regions, is encouraging the wider application of the LfL&W framework and will work closely with its partners and other agencies during 2009 to implement the practice and outcomes of the Improving Choice pathfinder.
Further Education Reform: Raising skills, improving life chances

10 The FE White Paper, *Further Education Reform: Raising skills, improving life chances* (DfES, March 2006) builds on both the 14–19 education and skills White Paper (DfES, February 2005) and the Skills Strategy (DfES, March 2005) to set out a series of reforms that will raise skills and qualification levels for young people and adults in line with world standards. The proposed changes offer more choice for individuals, provide services tailored to meet individuals’ needs, encourage new and innovative providers to enter the market, promote action to tackle poor quality and provide increased autonomy for high-performing providers.

11 The reforms will equip learners with good skills to gain productive, sustainable employment and to achieve personal fulfilment. They will also ensure that employers are equipped with the skills to help their businesses to succeed in the competitive global economy. Together, the reforms will enable the FE system to achieve its full potential as the driver of economic growth and social mobility.

Progression through Partnership

12 One of the headline actions in *Learning for Living and Work* (LSC, October 2006) was that, ‘during 2007, DfES and other government departments will have agreed and published a set of national protocols for shared funding responsibilities and partnership working’. *Progression through Partnership* (DCSF, DoH & DWP, June 2007) aims to create more sustainable and seamless services for people with learning difficulties and/or disabilities. The strategy focuses on the essential need for DfES (now DCSF and DIUS), the Department of Health (DoH) and the Department for Work and Pensions (DWP) to work closely together in helping young people and adults to achieve the education they want and need, to be able to live fulfilling lives in their local communities and, particularly, to enter the world of work.

13 A five-year joint programme of change has been developed, concentrating on three key areas:

- what further education and training is provided
- the quality of that provision
- how this provision is funded.

14 A new joint delivery group has been formed which is responsible for preparing new guidance for local authorities and other stakeholders in preparation for the funding and operational changes due in 2010. The group comprises key stakeholders, including the LSC, local authorities, the DoH and DWP and will oversee new guidance to be produced by spring 2009. This will stress the key messages of *Progression through Partnership* and promote the importance of employment outcomes and strengthening partnership working.

Machinery of government changes

15 In June 2007, the Prime Minister announced a series of changes including those termed the ‘machinery of government’ changes. These changes included the creation of two new departments – the Department for Children, Schools and Families (DCSF) and the Department for Innovation, Universities and Skills (DIUS). These two departments share responsibility for learning and skills at all ages.

16 Bringing together all key aspects of policy affecting children and young people, including those with learning difficulties and/or disabilities, will strengthen the Government’s support for children, young people and families through any future challenges.

17 The LSC is fully committed to the goals set out in the Government’s *Children’s Plan* (DCSF, December 2007) of making the UK the best place in the world for children and young people to grow up and learn. Throughout 2009/10 we will continue to work closely with DCSF, DIUS and local authorities to ensure a smooth transition to the new arrangements from 2010. The machinery of government changes will mean a more integrated service for young people and enable a seamless transition from children’s to adult services.

Disability equality

18 The Disability Discrimination Act 2005 amended the existing Disability Discrimination Act and included a duty for public sector authorities to promote disability equality.

19 The general duty placed on the LSC is that it should eliminate discrimination and harassment, promote equality of opportunity between disabled and non-disabled people, and take into account people’s disabilities, even if this means treating them more favourably than non-disabled people.

20 The LSC has set out its arrangements for disability equality in its Single Equality Scheme (LSC, April 2007), which is effective from April 2007 to April 2010.

Local authorities and Connexions

21 In a local authority there will be personal advisors to provide specific support for young people under the age of 25 with learning difficulties and/or disabilities. This support includes:

- attending annual school reviews for pupils with a statement of special educational needs (SEN) from Year 9 onwards, as per the SEN Code of Practice (DfES, 2001)
- ensuring that young people with a statement of SEN, or who have learning difficulties and/or disabilities but no statement, receive an assessment under section 139A of the Learning and Skills Act 2000 during their last year of compulsory education if they are expected to leave school to move into other post-16 education
• ensuring that an assessment is available for young people who have a learning difficulty and/or disability, with or without a statement of SEN, who are over the age of 16, but under the age of 25, who are receiving or are believed likely to receive post-16 education who either:

i. have already received an assessment but whose circumstances have changed to such an extent that a judgement is made that a further assessment is needed to ensure their learning needs are met; or

ii. have not previously received an assessment, but whose circumstances are now judged to mean that an assessment of their learning needs and the provision required to meet them is needed

• supporting young people’s transition between services

• working with other organisations and agencies to support and meet the needs of young people with learning difficulties and/or disabilities (including specialist assessment services and the LSC).

22 Consultation on new guidance for section 139A assessments will be published in January 2009, with the aim of improving the consistency of section 139A assessments and as a result of the transfer of responsibility to local authorities. The guidance will also help prepare for the funding and commissioning changes we expect through the machinery of government arrangements.

23 More information about the Connexions service is available on its website (www.everychildmatters.gov.uk/youthmatters/connexion).

Every Child Matters and Youth Matters
24 Following the publication of Every Child Matters (DfES, September 2003) and Youth Matters (DfES, July 2005), children’s trusts are being established in every local authority area. The Every Child Matters agenda proposes changes in policy and legislation in England to maximise opportunities and minimise risks for children and young people. It also proposes that all services should be more focused on the needs of children, young people and families.

25 Education, training and recreation are all included in the Children Act 2004 as contributing to well-being, and therefore key agencies include the LSC and local authorities. The Children’s Act also places a duty on local authorities to make arrangements for key agencies to co-operate to improve the well-being of children and young people and to pool budgets in support of this.

Helping People Achieve their Full Potential
26 DWP published a consultation paper, Helping People Achieve their Full Potential (DWP, December 2007) in order to take account of the views expressed by a wide cross-section of stakeholders, particularly disabled people, employers and organisations representing the interests of disabled people.

27 The proposed reforms are designed to complement the wider welfare to work reforms, including the national roll-out of the Pathways to Work scheme, the plans to introduce a more flexible New Deal for Disabled People and closer working with other government departments and external organisations.

28 The reforms focus on the following suite of support programmes:

• Workstep

• Work Preparation

• Job Introduction Scheme

• Access to Work

• the role of the Jobcentre Plus disability employment advisor.

29 The formal consultation period closed on Monday 10 March 2008. The Green Paper No One Written Off (DWP, July 2008) announced that the DWP would implement these improvements. The DWP has published a summary of the responses received to the original consultation (DWP, November 2008).

Identifying and Managing Underperformance
30 In December 2008, the LSC published an updated version of Identifying and Managing Underperformance (LSC, December 2008), which builds on and further clarifies the existing arrangements regarding LSC actions in relation to underperformance in terms of:

• analysis of success rates compared with minimum levels of performance

• financial health and financial management and control

• inspection outcomes

• learner health, safety and welfare arrangements.

31 Independent specialist providers for learners with learning difficulties and/or disabilities do not come within the scope of minimum levels of performance or the approach set out for colleges in relation to financial assessments. However, underperformance will continue to be identified through other evidence, primarily from inspection and learner health, safety and welfare.
Framework for Excellence

32 The Framework for Excellence (the Framework) is a central feature of the new performance management arrangements proposed in the recent consultation document: Raising Expectations (DIUS & DCSF, March 2008). Independent specialist providers were not within the scope of the Framework in 2008/09 and are not subject to its requirements during this first year of implementation. Further details on how the Framework will apply to independent specialist providers in 2009/10 will be published in summer 2009.

Foundation Learning Tier

33 The Foundation Learning Tier (FLT) is a programme of work to develop a more focused and strategic approach to Entry Level and Level 1 learning for young people aged 14 and over, within the Qualifications and Credit Framework (QCF) in order to raise participation, achievement and progression among learners at these levels. The QCF is a new way of recognising achievement through the award of credits for units and qualifications. It is designed to ensure that a wider range of achievements can be recognised within a more inclusive qualifications framework; as such, Entry Level 1 within the QCF will recognise achievements currently known as ‘pre-Entry’.

34 Within the FLT, progression pathways will be the main organising structures. Progression pathways set down the parameters for designing personalised learning programmes to support individual progression through the achievement of an appropriate combination of qualifications from Entry Level and Level 1 of the QCF. Each pathway will include three distinct components: vocational knowledge, skills and understanding, functional skills and personal development. These components are supported by information, advice and guidance, effective initial assessment, comprehensive ongoing review and provider collaboration.

35 Over time, the LSC will concentrate more of the funding identified for the FLT on progression pathways. Whilst not all qualifications at Entry Level and Level 1 within the QCF will need to be offered within a progression pathway, and learners may still choose to follow stand-alone qualifications, those qualifications that are outside a progression pathway may not be an automatic priority for public funding. We expect that, over time, all learners working at Entry Level and Level 1 will do so within the context of progression pathways and that from 2010 progression pathways will be the principal learning offer at Entry Level and Level 1 for both young people and adults. This is part of the Government’s aspiration to move towards a more comprehensive but also more coherent qualification offer for both young people and adults.

36 From 1 August 2010, the LSC will not be expecting to fund any new enrolments on provision outside the QCF, including any residual National Qualifications Framework (NQF) provision. During the period 1 August 2008 to 1 August 2010, the LSC will be funding a mixed economy of NQF/non-accredited provision and QCF provision, but will be planning a gradual shift of funding to QCF-only provision.

37 Further information on the FLT can be found on the LSC website under UK Vocational Qualifications Reform Programme (http://qfr.lsc.gov.uk/flt/).

Ofsted

38 In September 2007, Ofsted revised its inspection arrangements for independent specialist providers. These are set out below.

Short inspections of the best colleges

39 Standard monitoring visits apply to all independent specialist providers and are run along similar lines as the annual assessment visits used formerly. Monitoring visits with reinspection are made to independent specialist providers whose overall effectiveness is ‘satisfactory’ or better, but where a whole-provider aspect and/or sector subject area have been judged ‘inadequate’.

40 Enhanced monitoring visits are made to independent specialist providers that have been judged ‘inadequate’ as a whole as a result of their previous inspection. Enhanced monitoring visits are also undertaken where independent specialist providers have been issued with a notice to improve by the LSC.

41 For all monitoring visits, judgements of progress are made against each theme that is inspected and the following categories are used:

- no discernible progress
- insufficient progress
- reasonable progress
- significant progress.

42 It is important to recognise that these indicators are not related to the four-point scale of judgements given at inspection. A risk assessment is conducted on all monitoring visits, and the findings shared with the independent specialist provider.

Self-assessment reports

43 One of the outcomes of the consultation on proportionate inspections of FE colleges was a view from the National Learner Panel that all self-assessment reports should include a summary of learners’ views. It has
therefore been recommended that colleges and independent specialist providers should reflect learners’ views in their self-assessment reports, through relevant sections and/or by providing a summary of their views as an appendix.

44 To support improvement in self-assessment, the LSC and the Learning and Skills Improvement Service (LSIS) have published Self-assessment: Updated guidance for the further education system (LSC, September 2008). This guidance aims to locate self-assessment within the context of changing policy and practice, including planned changes to government arrangements affecting the FE system, the introduction of the Framework for Excellence, and developments in inspection.

45 Ofsted is currently consulting on its proposals for inspection of the FE and skills system (Ofsted, November 2008). It includes a range of proposals, including revisions to the Common Inspection Framework and proposals for a new inspection methodology. Any revision to Ofsted’s inspection processes will operate from September 2009.

Demand-led funding

46 In Learning for Living and Work (LSC, October 2006), the LSC stated its intention to develop a fit-for-purpose funding system that is learner-focused, equitable across all areas of the FE sector, including school sixth forms and Apprenticeships, and that provides appropriate levels of support for learning. This funding system was further illustrated in the consultation document Delivering World-class Skills in a Demand-led System (LSC, January 2007).

47 During 2007, the LSC commissioned research to review the funding for learners with learning difficulties and/or disabilities and/or special educational needs (SEN) in line with the LSC demand-led funding approaches (LSN, 2007). Following on from the policy direction and research, the LSC established an external project advisory group, chaired by Peter Little OBE, to advise on the reforms and process.

48 In February 2008, the LSC held a conference to launch the reforms for planning and funding processes for learners with learning difficulties and/or disabilities. The feedback from this conference informed the development of a formal consultation document to be circulated for a three-month consultation period. However, in the light of Raising Expectations (DIUS & DCSF, March 2008), DCSF formally asked the LSC not to issue a consultation, in order to avoid confusion with the main machinery of government consultation, but to continue with key elements of the reforms.

49 During July and August 2008, events were held across the regions to present and discuss the way forward to partners, practitioners and providers. The events also provided an opportunity for health, social and educational practitioners and providers to share experience, best practice and develop partnerships and networks to the ultimate benefit of learners. Over the same period, more detailed independent research was commissioned to:

- investigate the use of additional learner support (ALS) in work-based learning
- establish national funding rates for higher cost learners
- look at the alignment of support and training for learners with learning difficulties and/or disabilities to progression pathways and the Foundation Learning Tier. This research was accompanied by a full assessment of ALS costs per learner in FE (from £0 £5,500, £5,500 £19,000 and £19,000+), and the cost per learner within independent specialist providers.

50 In 2009/10, the LSC will be using the findings of the research to shadow the existing funding systems to identify any trends and to model a standard funding system for all learners who have higher levels of support needs, including those in further education, Apprenticeships, independent specialist providers, special schools, school sixth forms and all other local-authority-funded providers.

Funding Technical Guidance for Independent Specialist Providers for 2009/10

51 With the advent of the major changes to the funding methodology for 2008/09, the LSC developed a more detailed document, titled Funding Technical Guidance for Independent Specialist Providers, 2009/10, which has been updated for 2009/10, (LSC, December 2008) and referred to here as the Funding Technical Document to support independent specialist providers in working through the funding methodology. Independent specialist providers must ensure that all key staff are aware of this document and understand how it can support funding assessments. This document will be available on the LSC website and further guidance or support can be sought from regional contacts.

Data collection

52 At present, there is no requirement for independent specialist providers to provide individualised learner record (ILR) data to the LSC, as is the case for other types of providers, for example those in further education, work-based learning and adult and community learning. In October 2008, the Information Authority (IA) approved a request for a voluntary pilot of independent specialist providers to commence collecting and submitting data in the form of an ILR return in September 2009. The IA Board will review the pilot and consider whether it has been successful in October 2009. If successful, the responsibility for submitting an ILR return for all learners will transfer to independent specialist providers in 2010. This phased
approach will ensure staff in both the LSC and independent specialist providers build their capacity and capability. This approach will help to formalise the current data collection process and the transfer of funding responsibilities to local authorities in 2010/11.

Data transmission

53 Where the LSC requires provision of information that includes personal data, it is essential that the information is sent securely to minimise the risk of loss resulting in a potential breach of privacy.

54 The current arrangements for sending the LSC information that includes personal data are on the LSC website (see www.lsc.gov.uk/providers).
Annex B
Legal Duties

The information in this annex is quoted from the Learning and Skills Act 2000. ‘The Council’ refers to the Learning and Skills Council (LSC).

Section 2 Education and training of persons aged 16 to 19
(1) The Council must secure the provision of proper facilities for:
   (a) education (other than higher education) suitable to the requirements of persons who are above compulsory school age but have not attained the age of 19;
   (b) training suitable to the requirements of such persons;
   (c) organised leisure-time occupation connected with such education; and
   (d) organised leisure-time occupation connected with such training.
(2) Facilities are proper if they are:
   (a) of a quantity sufficient to meet the reasonable needs of individuals; and
   (b) of a quality adequate to meet those needs.
(3) In performing the duty imposed on it by subsection (1) the Council must:
   (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
   (b) take account of the different abilities and aptitudes of different persons;
   (c) take account of the education and training required in different sectors of employment for employees and potential employees;
   (d) take account of facilities whose provision the Council thinks might reasonably be secured by other persons;
   (e) make the best use of the Council’s resources and in particular avoid provision which might give rise to disproportionate expenditure.
(4) Provision is not to be considered as giving rise to disproportionate expenditure only because that provision is more expensive than comparable provision.
(5) For the purposes of this section:
   (a) education includes both full-time and part-time education;
   (b) training includes both full-time and part-time training;
   (c) training includes vocational, social, physical and recreational training;
   (d) higher education is education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

Section 3 Education and training for persons over 19
(1) The Council must secure the provision of reasonable facilities for:
   (a) education (other than higher education) suitable to the requirements of persons who have attained the age of 19;
   (b) training suitable to the requirements of such persons;
   (c) organised leisure-time occupation connected with such education; and
   (d) organised leisure-time occupation connected with such training.
(2) Facilities are reasonable if (taking account of the Council’s resources) the facilities are of such a quantity and quality that the Council can reasonably be expected to secure their provision.
(3) In performing the duty imposed on it by subsection (1) the Council must:
   (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
   (b) take account of the different abilities and aptitudes of different persons;
Section 13 Persons with learning difficulties

(1) In discharging its functions under sections 2, 3, 5(1)(a) to (d) and (g) and 8 the Council must have regard:

(a) to the needs of persons with learning difficulties; and

(b) in particular, to any assessment conducted under section 5139A or 140.

(2) If the Council is satisfied that it cannot secure the provision of facilities for education and training which are sufficient in quantity and adequate in quality for a person with a learning difficulty who is over compulsory school age but who has not attained the age of 19 unless it also secures the provision of boarding accommodation for him, the Council must secure the provision of boarding accommodation for him.

(3) If the Council is satisfied that it cannot secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 19 but not the age of 25 unless it also secures the provision of boarding accommodation for him, the Council must secure the provision of boarding accommodation for him.

(4) If the Council is satisfied that it cannot secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 25 unless it also secures the provision of boarding accommodation for him, the Council may secure the provision of boarding accommodation for him.

(5) A person has a learning difficulty if:

(a) he has a significantly greater difficulty in learning than the majority of persons of his age; or

(b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.

(6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.

Section 14 Equality of opportunity

(1) In exercising its functions the Council must have due regard to the need to promote equality of opportunity:

(a) between persons of different racial groups;

(b) between men and women; and

(c) between persons who are disabled and persons who are not.

(2) As soon as is reasonably practicable after the end of each financial year of the Council it must publish a report containing:

(a) a statement of the arrangements made under subsection (1) and having effect in the year;
(b) an assessment of how effective the arrangements were in promoting equality of opportunity.

(3) The report must also contain a statement of the arrangements which the Council has made, or proposes to make, under subsection (1) in respect of the financial year immediately following that referred to in subsection (2).

(4) The Council must send a copy of the report to the Secretary of State.

(5) "Racial group" has the same meaning as in the Race Relations Act 1976.

(6) Disabled persons are persons who are disabled for the purposes of the Disability Discrimination Act.

Section 139A Assessments relating to learning difficulties: England

(1) Subsection (2) applies if a local education authority in England:

   (a) maintains a statement of special educational needs for a person; and
   
   (b) believes that the person will leave school, at the end of his last year of compulsory schooling, to receive post-16 education or training or higher education.

(2) The authority must arrange for an assessment of the person to be conducted at some time during his last year of compulsory schooling.

(3) Subsection (4) applies if a local education authority in England:

   (a) maintains a statement of special educational needs for a person who is over compulsory school age; and
   
   (b) believes that the person will leave school, during or at the end of the current school year, to receive post-16 education or training or higher education.

(4) The authority must arrange for an assessment of the person to be conducted at some time during the current school year.

(5) A local education authority in England may at any time arrange for an assessment to be conducted of a person:

   (a) who is within subsection (6); and
   
   (b) for whom the authority is responsible.

(6) A person within this subsection is one who:

   (a) is in his last year of compulsory schooling, or is over compulsory school age but has not attained the age of 25;
   
   (b) appears to the authority to have a learning difficulty within the meaning of section 13; and
   
   (c) is receiving, or in the opinion of the authority is likely to receive, post-16 education or training or higher education.

(7) In exercising its functions under this section an authority must have regard to any guidance issued by the Secretary of State.

Section 139B Assessments under section 139A: interpretation

(1) This section applies for the purposes of section 139A.

(2) A statement of special educational needs is a statement maintained under section 324 of the Education Act 1996.

(3) An assessment of a person is an assessment, resulting in a written report, of:

   (a) the person's educational and training needs; and
   
   (b) the provision required to meet them.

(4) A local education authority is responsible for:

   (a) a person who is receiving education or training in its area;
   
   (b) a person who is not receiving education or training, but who is normally resident in its area;
   
   (c) a person who is not receiving education or training, and who is not normally resident in its area or that of another authority, but who is otherwise within its area and, in its opinion, likely to receive post-16 education or training or higher education.

(5) A person's last year of compulsory schooling is the last school year at his school during the whole or part of which he is of compulsory school age; and in the application of section 139A(6) to a person who is receiving education at an institution other than a school, that institution is to be treated for the purpose of determining his last year of compulsory schooling as though it were a school.

(6) "Higher education" is education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
(7) “Post-16 education or training” means post-16 education or post-16 training within the meaning of Part 1.

(8) “School year” has the meaning given in section 579(1) of the Education Act 1996.

Section 139C Assessments under section 139A: persons educated at home

(1) Section 139A applies in relation to a person who is receiving education at home, subject to the following modifications.

(2) In section 139A(1)(b) and (3)(b), references to a person’s leaving school to receive post-16 education or training or higher education are to be construed as references to a person’s ceasing to receive education at home in order to receive, otherwise than in a school, post-16 education or training or higher education.

(3) References to a person’s last year of compulsory schooling are to be construed as references to the 12-month period ending when the person ceases to be of compulsory school age.

(4) References to the current school year are to be construed as references to the period of 12 months beginning on the most recent 1st September.
Annex C
Independent Specialist Providers

There follows a list of independent specialist providers that are in receipt of LSC funding for the placement of learners with learning difficulties and/or disabilities. Please note that this information is correct as at December 2008 and is subject to change.

Certain independent specialist providers may have funding (or other) restrictions attached, for example, where the independent specialist provider is newly approved, a school, a day placement, or in response to inspection outcomes. These independent specialist providers are indicated by the use of italics. Please refer to your LSC contact to check any details. Any enquiries about new independent specialist providers should also be referred to your LSC contact.

Arden College
Beaumont College
Bridge College**
Coleg Elidyr
Condover College Limited
David Lewis College
Derwen College
Dilston College of Further Education
Doncaster College for the Deaf
Dorton College of Further Education
ESPA Colleges
Fairfield Opportunity Farm
Farleigh Further Education College, Frome
Farleigh Further Education College, Swindon
Fortune Centre of Riding Therapy
Foxes Academy
Freeman College
Glasshouse College
Hereward College of Further Education
Hinwick Hall College of Further Education
Homefield College
Hope Lodge School (Aspin House)*
hspb Henshaws College
Landmarks**
Langdon College
Lindeth College of Further Education
Linkage Community Trust
Loppington House
Lufton College of Further Education
Mount Camphill Community
Nash College of Further Education
National Centre for Young People with Epilepsy
National Star College
New College, Worcester*
Northern Counties College
Oakwood Court
Orchard Hill College of Further Education**
Pengwern College
Pennine Camphill Community
Portland College
Queen Alexandra College for the Blind
Queen Elizabeth’s Foundation Brain Injury Centre
Regent College**
RNIB College, Loughborough
Royal National College for the Blind
Royal College Manchester*
Royal West of England School for the Deaf*
Ruskin Mill College
SENSE East
St Elizabeth’s College**
St John’s College, Brighton
Strathmore College
Treoar College
Tyne and Wear Autistic Society (Thornbeck College)
West of England School (for Children with Little or No Sight)*
Westgate College
William Morris Camphill Community
* school status
** day placements
Annex D
Assessments by Independent Specialist Providers

1. Independent specialist providers are asked to consider carefully each request for assessment that they receive. Independent specialist providers should always make it clear to the learner, parents and/or carers that an assessment by an independent specialist provider does not lead to an automatic agreement for the LSC to fund the learner’s placement. Independent specialist providers should ensure that learners undergoing assessment and their parents and/or carer are aware of criteria and procedures.

2. In addition, independent specialist providers must be clear about the terms and conditions that will be applied to any offers made to learners. For example, the LSC does not expect independent specialist providers to operate any ‘first funded, first placed’ policies. The LSC considers that this can potentially disadvantage learners through no fault of their own. Should independent specialist providers choose to offer learners a place on a waiting list, they must be clear about this.

3. As a minimum, the pre-entry assessment report of a learner by an independent specialist provider must include the following:

- Confirmation of when the learner assessment took place, its duration and its content and any supporting evidence that has been considered to inform the assessment

- The start and end date of the proposed placement

- A statement that clearly outlines how the provision matches the educational and training needs of the learner, including identification of the skills that the learner needs to acquire across the curriculum. This must include the initial identification of relevant and realistic education and training goals, as well as a clear definition of the learner’s primary learning goal. It must also include details of accredited (awarding body and syllabus) and non-accredited programme aims and the expected timescales for achievement. The report must stipulate whether any elements of the provision will be the responsibility of another provider (for example, a further education college)

- A clear outline of the support that will be put in place for the learner, both to enable the achievement of learning and training aims, and to support his or her personal care and/or medical needs. Independent specialist providers will find it helpful to refer to the Funding Technical Guidance for Independent Specialist Providers for 2009/10 Document in meeting this requirement

- Assessments by specialists, as appropriate (speech and language therapists, for example)

- A form (Annex N) identifying the individual support required by the learner, and thus the appropriate level of funding.

4. Information from the pre-entry assessment report will be used to create the part of the contract between the LSC and the independent specialist provider that specifies the learner’s support needs and his or her learning goals. For this reason, it is essential that the minimum requirements detailed above are adhered to. If sufficient information is not supplied, there could be unnecessary delays in consideration of the funding request.

5. The assessment must clearly demonstrate a match between the learner’s needs and the support necessary to meet those needs. It should not be generic description of the support generally available within the independent specialist provider.
Annex E
Learning and Skills Council
Contact Details

Please note that these contact details are subject to change.

North East Region
LSC Tyne and Wear
Moongate House
5th Avenue Business Park
Team Valley
Gateshead
Tyne and Wear NE11 0HF

Contact: Paula Martin-King
Learners with Learning Difficulties and/or Disabilities Regional Manager
0191 492 6432

Contact: Barbara Young
0191 492 6488
Local authority areas: Gateshead, Newcastle, North Tyneside and Northumberland

Contact: Pat Tinmouth
0191 492 6425
Local authority areas: Durham, Darlington, South Tyneside and Sunderland

Contact: Lynda Smith
0191 492 6347
Local authority areas: Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton on Tees

North West Region
LSC Greater Manchester
9th floor, Arndale House
Arndale Centre
Manchester M4 3AQ

Contact: Margaret Pritchard
Learners with Learning Difficulties and/or Disabilities Regional Manager
0161 261 0474

Contact: Sandra Blackmore
0161 261 0407
Local authority areas: Manchester, Bury and Wigan

Contact: Donna Sutton
0161 261 0334
Local authority areas: Rochdale, Bolton, Oldham, Tameside, Trafford, Salford, Stockport, Cheshire and Warrington.

Contact: Vacant
01900 733 336
Local authority areas: Cumbria and Lancashire

Contact: Vacant
0845 019 4150
Local authority areas: Halton, Knowsley, Liverpool, Sefton, St Helens and Wirral

Yorkshire and The Humber Region
LSC West Yorkshire
Mercury House
4 Manchester Road
Bradford BD5 0QL

Contact: Claire Hemingway
Learners with Learning Difficulties and/or Disabilities Regional Manager
01274 444 025

Contact: Adele Hainsworth
01274 444 026
Local authority areas: South Yorkshire, Calderdale and Kirklees

Contact: Richard Stockton
01904 385586
Local authority areas: City of York, North Yorkshire and Bradford

Contact: Georgia Wright
01274 444 053
Local authority areas: Leeds, The Humber and Wakefield

East Midlands Region
LSC Leicestershire
17a Meridian East
Meridian Business Park
Leicester LE19 1UU
Contact: Karen Johnson
Learners with Learning Difficulties and/or Disabilities
Regional Manager
0116 228 1950

Contact: Chris Fuller
0116 228 1812
Local authority areas: Lincolnshire and Rutland, Northamptonshire, Nottinghamshire and Nottingham City

Contact: Lisa Hawes
0116 228 1887
Local authority areas: Leicestershire, Leicester City, City of Derby and Derbyshire

**West Midlands Region**

LSC Birmingham and Solihull
NTI Building
15 Bartholomew Row
Birmingham B5 5JU

Contact: Mel Evans
Learners with Learning Difficulties and/or Disabilities
Regional Manager
0121 345 4647

Contact: Clare Charlesworth 024 7644 6005 or Cheryl Taylor 0121 345 4846 (temporary cover until June 2009)
From July 2009, Katie Webb
0121 345 4548
Local authority area: Birmingham

Contact: Cheryl Taylor
0121 345 4846
Local authority areas: Dudley, Sandwell, Walsall and Wolverhampton

Contact: Clare Charlesworth
024 7644 6005
Local authority areas: Coventry, Warwickshire and Solihull

Contact: Sarah Sweeney
01952 235 539
Local authority areas: Shropshire, Herefordshire and Worcestershire, Telford and The Wrekin

Contact: Mary Brookes
01782 463 057
Local authority areas: Staffordshire and Stoke-on-Trent

**East of England Region**

LSC Suffolk
Felaw Maltings
42 Felaw Street
Ipswich IP2 8SJ

Contact: Liz Rowland
(temporary cover until August 2009)
From August 2009 Carole France
Learners with Learning Difficulties and/or Disabilities
Regional Manager
01473 883 003

Contact: Judi Walker
(temporary cover until August 2009)
From August 2009 Liz Rowland
01473 883 012
Local authority areas: Hertfordshire, Bedfordshire and Luton

Contact: Suzanne Davis
01245 550 051
Local authority areas: Essex, Southend, Suffolk and Thurrock

Contact: Sara-Jane Sturman
01603 218 884
Local authority areas: Norfolk, Peterborough and Cambridgeshire

**South East Region**

LSC Thames Valley
Pacific House
Imperial Way
Reading
Berkshire RG2 0TF

Contact: Michael Dalton
Learners with Learning Difficulties and/or Disabilities
Regional Manager
0118 908 2137

Contact: Joanne Cooke
Team Co-ordinator
Tel: 0118 9082179

Contact: Ayfer Orhan
07764 650 304
Local authority areas: Bracknell Forest, Reading, Slough, West Berkshire, Windsor and Maidenhead, Wokingham, Buckinghamshire, Milton Keynes and Oxfordshire

Contact: Kalpana Majithia
0118 908 2143
Local authority areas: Kent and Medway

Contact: Janine Brockwell
01483 803 278
Local authority area: Surrey

Contact: Georgina Marnier
01865 291855
Local authority areas: Brighton and Hove, East Sussex and West Sussex
Contact: Vacant
01489 558 641
Local authority areas: Hampshire, Isle of Wight, Portsmouth and Southampton

South West Region

LSC West of England
St Lawrence House
29-31 Broad Street
Bristol BS1 2HF

Contact: Matthew Garbett
Learners with Learning Difficulties and/or Disabilities
Regional Manager
0117 372 6499

Contact: Jennifer Lear
Team Administrator
0117 372 6497

Contact: Lisa Middleton
01752 754 067
Local authority areas: Cornwall and Isles of Scilly, Devon, Plymouth, Torbay

Contact: Susanne Larcombe
0117 372 6464
Local authority areas: Bath, Somerset, Bristol and Gloucestershire

Contact: Jill Stanley
01202 652 661
Local authority areas: Bournemouth, Dorset, Poole, Swindon, Wiltshire

London Region

LSC London Central
Centrepoint
103 New Oxford Street
London WC1A 1DR

Contact: Ben Finnigan
Learners with Learning Difficulties and/or Disabilities
Regional Manager
020 7904 0825

For all local authority areas, please contact:

Linda Gooch 020 7904 0770
Kathleen Moss 020 7904 0703
Mark Wilson 020 7904 0751
Annex F
2009/10 Placement Request: Summary Sheet (All Learners)

Confidential
To be completed by the referring agency prior to the placement meeting and returned to the relevant LSC contact.

1. Referring agency

Agency name (please print):

Address and postcode:

Contact name:

Telephone number:

Email address:
2. Learner details

Learner’s name *(please print)*:

Date of birth: / / 

Address and postcode:

Telephone number:

Nature of disability:

Ethnicity code *(insert appropriate code from the list at the end of this annex)*:

Gender:

Parent or guardian’s name:

Address and postcode *(if different from above)*:

Home local authority:

Current or most recent provider:

Learner’s highest educational achievement to date:

3. Independent specialist provider details

Name of provider *(please print)*:

Address and postcode:

Contact name:

Telephone number:

Email address:

Is the request for *(please tick)* □ day placement or □ residential

Programme start date: / / 

Programme end date: / /
### 4. Evidence required at the placement meeting (where applicable)

The referring agency should ensure that all relevant information is made available for review prior to the meeting.

Please ensure that copies of all relevant documentation are available for all other agencies, as required.

Please note that the referring agency should ensure that it has the consent of the learner (and/or his or her parent and/or carer) to share all of the following documentary evidence with the relevant agencies. In addition, **the learner, and his or her parent and/or carer should be made aware of the content of any evidence being given to the LSC.**

<table>
<thead>
<tr>
<th>Section 139A assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local authority reports</td>
</tr>
<tr>
<td>Most recent review of statement of SEN</td>
</tr>
<tr>
<td>Most recent care plan or other relevant social services documentation</td>
</tr>
<tr>
<td>Most recent medical report</td>
</tr>
<tr>
<td>Local provision consideration</td>
</tr>
<tr>
<td>Confirmation letter from the independent specialist provider</td>
</tr>
<tr>
<td>Independent specialist provider rationale of support (see Annex N)</td>
</tr>
<tr>
<td>Copy of pre-entry assessment carried out by independent specialist provider</td>
</tr>
<tr>
<td>Consent letter signed by learner and/or by parent/carer/advocate</td>
</tr>
<tr>
<td>Letter to confirm funding from social services or other agency</td>
</tr>
<tr>
<td><strong>Other (please list and label):</strong></td>
</tr>
</tbody>
</table>

### 5. Independent specialist provider status

Is the requested independent specialist provider currently funded through the placements process (see list in Annex C)?

Yes □

No □
6. To be signed by the referring agency

Signed:

Name (please print):

Date: / / 

Position: * This should be a senior authorised officer from the referring agency.

Ethnicity codes for question 2

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Asian or Asian British – Bangladeshi</td>
</tr>
<tr>
<td>12</td>
<td>Asian or Asian British – Indian</td>
</tr>
<tr>
<td>13</td>
<td>Asian or Asian British – Pakistani</td>
</tr>
<tr>
<td>14</td>
<td>Asian or Asian British – any other Asian background</td>
</tr>
<tr>
<td>15</td>
<td>Black or Black British – African</td>
</tr>
<tr>
<td>16</td>
<td>Black or Black British – Caribbean</td>
</tr>
<tr>
<td>17</td>
<td>Black or Black British – any other Black background</td>
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<tr>
<td>18</td>
<td>Chinese</td>
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<tr>
<td>19</td>
<td>Mixed – White and Asian</td>
</tr>
<tr>
<td>20</td>
<td>Mixed – White and Black African</td>
</tr>
<tr>
<td>21</td>
<td>Mixed – White and Black Caribbean</td>
</tr>
<tr>
<td>22</td>
<td>Mixed – any other mixed background</td>
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<tr>
<td>23</td>
<td>White – British</td>
</tr>
<tr>
<td>24</td>
<td>White – Irish</td>
</tr>
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</tr>
<tr>
<td>98</td>
<td>Any Other</td>
</tr>
<tr>
<td>99</td>
<td>Not known/not provided</td>
</tr>
</tbody>
</table>

Source: Individualised Learner Record
Annex G

Support Bands: Rates for 2009/10

This is the funding for the revised approach that will be used for all learners within independent specialist providers implemented from September 2008 onwards. Further information is available in Annex H.

<table>
<thead>
<tr>
<th>Band</th>
<th>Day</th>
<th>Residential</th>
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</thead>
<tbody>
<tr>
<td>D</td>
<td>£13,186</td>
<td>£26,689</td>
</tr>
<tr>
<td>E</td>
<td>£17,841</td>
<td>£36,249</td>
</tr>
<tr>
<td>F</td>
<td>£22,495</td>
<td>£42,303</td>
</tr>
<tr>
<td>G</td>
<td>£32,967</td>
<td>£49,069</td>
</tr>
<tr>
<td>H</td>
<td>£45,247</td>
<td>£68,829</td>
</tr>
</tbody>
</table>
### Annex H

Contact Hour Ranges

For further information, independent specialist providers should refer to the *Funding Technical Guidance for Independent Specialist Providers for 2009/10*.

<table>
<thead>
<tr>
<th>Band</th>
<th>Education and independent living skills (expected hours per week)</th>
<th>Care and therapy (expected hours per week)</th>
<th>Total volume (expected hours per week)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Day learners</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>4–6</td>
<td>0–1</td>
<td>5</td>
</tr>
<tr>
<td>E</td>
<td>6–8</td>
<td>0–1</td>
<td>7</td>
</tr>
<tr>
<td>F</td>
<td>8–10</td>
<td>0–2</td>
<td>9</td>
</tr>
<tr>
<td>G</td>
<td>11–15</td>
<td>0–3</td>
<td>14</td>
</tr>
<tr>
<td>H</td>
<td>11–21</td>
<td>0–13</td>
<td>20 (maximum 30)*</td>
</tr>
<tr>
<td><strong>Residential learners</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>7–10</td>
<td>4–6</td>
<td>13</td>
</tr>
<tr>
<td>E</td>
<td>8–12</td>
<td>5–7</td>
<td>15</td>
</tr>
<tr>
<td>F</td>
<td>10–20</td>
<td>5–10</td>
<td>22</td>
</tr>
<tr>
<td>G</td>
<td>14–20</td>
<td>10–14</td>
<td>31</td>
</tr>
<tr>
<td>H</td>
<td>18–29</td>
<td>14–25</td>
<td>44 (maximum 50)*</td>
</tr>
</tbody>
</table>

* This is the maximum average weekly hours funded within the band, and more hours would ordinarily qualify for exceptional support.

The 'expected hours' give a benchmark figure for the split between the two main categories. The 'total volume' is an absolute minimum standard that must be adhered to. Flexibility will exist between the two main categories.
Annex I
Review Reports: Minimum Requirements

1 Independent specialist providers are required to carry out a learner review at the end of the learner's first term of placement, in the summer term of each subsequent year of funding including the learner's final period of funding. Review reports must be forwarded to the home LSC.

2 All review reports must be received by the LSC no later than four weeks after their completion. It is important to note that these reports are used by the LSC to inform future funding decisions and to issue annual contracts for each learner. Independent specialist providers must ensure that review reports are received in time for contracts to be created and agreed, and thus for payments to be released. Where learners are due to continue for a further academic year, it may, therefore, be helpful for these reports to be forwarded to the LSC no later than the end of May.

3 Please find below a list of the minimum information that the LSC would expect to be included in all review reports.

4 Where it is the practice of the independent specialist provider to produce extensive review reports, it would be beneficial if a summary could also be produced along the guidelines identified in this list.

5 The following should be provided as a minimum:

- the learner's personal details (name and date of birth)
- the programme start date and the programme end date
- confirmation that the learner's support needs are still as identified within the learner schedule and whether any support or funding changes (increased or decreased) have been identified or agreed. Where a decrease in support levels has not occurred then this must be justified (see paragraph 74 of the main document)
- input from specialists, for example where learners are seen by speech and language therapists, physiotherapists, and so on
- confirmation that the learner is still following the programme as outlined in the learner schedule. All changes must be clearly identified, as these details are part of the independent specialist provider's contractual delivery requirements
- an outline of achievements and/or progress made towards the objectives identified in the learner schedule. The report must include an update on all elements of the learner's agreed programme
- an outline of targets – both academic and non-academic– for the forthcoming period of study
- a transition plan giving a detailed indication of how the transition planning is embedded throughout the duration of the learner's programme, paying particularly emphasis to the final period of the placement
- an update on how the programme is supporting the learner to make his or her transition beyond independent specialist provision. The LSC does not expect to see transition from one independent specialist provider to another; it is expected that a placement at an independent specialist provider will equip learners with the necessary skills and knowledge to allow them to progress beyond independent specialist provision. Where the learner is nearing the end of his or her placement, this update must include opportunities and support for the learner to consider alternative provision (further education, higher education, voluntary work and so on). It should also include opportunities for input and guidance from other agencies (guidance counsellors, social services professionals, medical practitioners, local authority officers and so on).

6 All review reports must be signed and dated and returned to the relevant LSC contact.

7 Independent specialist providers are reminded that review reports are used to inform the issue of learner schedules for subsequent academic years. Independent specialist providers must ensure that reviews are provided in a timely fashion, or payments could be delayed in subsequent years. Further information is provided at paragraph 73 of the main body of this document.
Annex J

Record of Learner Destination

Confidential

This annex is to be completed by the independent specialist provider and returned to the relevant contact at the home LSC within four weeks of the learner’s leaving date, together with the learner’s final review report, which will detail all achievements made (full and partial).

1. Independent specialist provider details

Name of independent specialist provider (please print):

2. Learner details

Learner’s name:

Date of birth: / / 

3. Destination

Has the learner had access to independent careers advice? Yes □ No □

If yes, was this via the learner’s home local authority or the independent specialist provider’s local authority? Home □ Local □

Give details of the learner’s destination on completing the programme by ticking the appropriate box below.
**Education or employment**

Another programme at this independent specialist provider *(please give details)*

Another further education provider *(please state which)*

A higher education institution *(please state which)*

Employment *(please give details)*

Work-based training *(please give details)*

Other *(please give details)*

---

**Social or residential**

Day care

Long-term residential placement

Learner returning home

Independent living

Supported independent living

Other *(please give details)*

---

4. **Signature of principal/owner/proprietor of independent specialist provider:**

Name *(please print)*:

Date: __/__/__

---

Please return this form to the relevant contact at the home LSC within four weeks of the learner’s leaving date. For contact details, see Annex E.
Annex K
Withdrawal Notification for LSC-funded Learners at Independent Specialist Providers

This form should also be completed if a learner completes their programme earlier than planned.

Confidential
For completion by the principal/proprietor/owner of the independent specialist provider.

Name of independent specialist provider (please print):

Learner’s name:

Date of birth: / / 

Start date: / / 

Agreed funding end date: / / 

Last date of attendance: / / 

Withdrawal date: / / 

Reason for withdrawal (please insert appropriate code from the list at the end of this annex):

Details of withdrawal (please include all relevant information, for example dates, times, action taken and links to any serious incidents):

If a third party has been involved, please give further details:
Declaration

I am aware of the LSC’s policy regarding recovery of fees in accordance with the LSC’s contract with independent specialist providers.

Name (please print):

Principal/proprietor/owner (delete as appropriate)

Signed:

Date: / / 

Please return the original to the relevant contact at the home LSC.

Learner withdrawal codes

The code corresponding to the reason for withdrawal should be taken from the following list and entered on the form in the box provided.

A Alternative provision found
B Learner no longer wishes to attend
C Learner deceased
D Learner failed to start
E Learner unable to stay through injury
F Learner found employment
G Learner absent without leave
H Learner excluded
I Learner unable to stay through illness
J Learner unhappy
K Other
L Early completion

Destination data

Please note that, in all cases (with the exception of learner withdrawal codes C and D), a destination data return is required where a learner has withdrawn from a programme before the funding end date agreed by the LSC.

Review reports

All withdrawal forms should be accompanied by a final review report for the learner.

Serious incidents

Where a withdrawal has taken place as a result of a serious incident, please note that this must be reported separately to the relevant LSC contact within 72 hours of the incident being made known to the independent specialist provider (in accordance with the LSC’s contract with independent specialist providers).

Learner fatality

When a withdrawal is due to learner fatality, the independent specialist provider must immediately inform their home and local LSC. As soon as possible, the independent specialist provider must complete a serious incident notification in line with health and safety guidance.

Funding

Please note that notification of learner withdrawals is a contractual requirement. This ensures that appropriate amendments are made to funding in line with the LSC contract.
Annex L
Request for Placement Extension
2009/10

Confidential
For completion by the referring agency in conjunction with the independent specialist provider.

1. Referring agency

Name (please print):

Address and postcode:

Contact name:

Telephone number:

Email address:

2. Learner details

Learner’s name (please print):

Date of birth: / / 

Details of any changes to the learner’s personal details since the original placement request was considered:
Details of the learner’s learning difficulty and/or disability if this has changed since the original placement request was considered:

Details of the learner’s additional support requirements arising from his or her learning difficulty and/or disability if these have changed since the original placement request was considered:

Current funding band:

Is the current placement day? □ or residential? □

Will the extension continue at this level of support? Yes □ No □

If not, the independent specialist provider must complete a new Rationale of Support form (see Annex N).

3. Programme information

Independent specialist provider name (please print):

Original programme start date: / / Programme end date: / /

Achievement or qualification gained, or progress made to date (against the objectives identified in the learner’s individual learning plan):
4. Proposed extension

Start date: / /  End date: / /

Is the proposed extension day? ☐ or residential? ☐

Proposed funding band:

Details of the programme aims or qualification aims for the extension request. Please demonstrate how these will contribute to the learner’s long-term career, vocational or educational objectives and transition planning:

Will any part of the learner’s provision be made by another provider (for example a further education college)?

Yes ☐ No ☐

If yes, please complete the following section.

Provider name (please print):

Contact name (please print):

Telephone number:

Programme to be completed:

How many days each week will the learner attend this provider?

To be completed by all providers

What alternatives were considered for the learner at the end of his or her current placement, other than the extension now sought? This should include the consideration of alternative provision. The evidence should include review reports detailing transition planning.
5. Funding information

If the extension is supported, the placement will be funded within the LSC’s agreed fees for 38-week placements.

Where another funding body is contributing towards the current placement, please detail any agreements for funding the extension request, including whether the agreement is definite or provisional:

---

6. Agreements

Please indicate whether the extension request has the support of the following *(please tick all that apply)*:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Not relevant</th>
</tr>
</thead>
<tbody>
<tr>
<td>The learner</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Parent/advocate</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Connexions/local authority/careers advisor</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Local authority</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Social services</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Health authority</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other (if yes, please give details)</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

Where the answer is ‘no’ or ‘not relevant’, please give details:
7. Additional documentation

Please indicate which of the following documents are attached (*please tick all that apply*):

- Local authority assessment
- Transition plan
- Most recent care plan or other relevant social services documentation
- Most recent educational psychologist’s report
- Most recent medical report
- Most recent link course report
- Letter to confirm funding from social services or other agency
- Review report

Other (*please list and label*):

---

8. Signature

The form should be signed by a senior authorised officer from the referring agency.

I confirm that this extension request has the support of the referring agency.

Signature: ____________________________________________

Name (*please print*):

Position: ___________________________ Date: / /

Please return this form to the relevant home LSC contact. For contact details, please see Annex E.
Annex M

Useful Information

Contacts

Connexions Service
Regional listings on website
Tel: 080 800 13 2 19
Website: www.connexions-direct.com

Department for Children, Schools and Families (DCSF)
Sanctuary Buildings
Great Smith Street
London SW1P 3BT
Tel: 0870 000 2288
Fax: 01928 794 248
Email: info@dcsf.gsi.gov.uk
Website: www.dcsf.gov.uk

Department for Innovation, Universities and Skills (DIUS)
Castle View House
East Lane
Runcorn WA7 2GJ
Tel: 0870 0010 336
Email: info@dius.gsi.gov.uk
Website: www.dius.gov.uk

Equality and Human Rights Commission
Helpline
Freepost MID 02164
Stratford-upon-Avon CV37 9BR
Tel: 08457 622 633
Fax: 08457 778 878
Email: info@equalityhumanrights.com
Website: www.equalityhumanrights.com

Learning and Skills Network (LSN)
5th floor, Holborn Centre
120 Holborn
London EC1N 2AD
Tel: 0845 071 0800
Email: enquiries@LSNeducation.org.uk
Website: www.lsneduction.org.uk

Qualifications and Curriculum Authority (QCA)
83 Piccadilly
London W1J 8QA
Tel: 020 7509 5555
Fax: 020 7509 6666
Email: info@qca.org.uk
Website: www.qca.org.uk

Learning and Skills Improvement Service
Friars House
Manor House Drive
Coventry CV1 2TE
Tel: 0870 162 0632
Website: www.lsis.org.uk

Association of National Specialist Colleges (Natspec)
Alison Boulton
Chief Executive
Care of Derwen College
Oswestry SY11 3JA
Tel: 0117 923 2830
Email: chiefexecutive@natspec.org.uk
Website: www.natspec.org.uk

Office for Standards in Education, Children’s Services and Skills (Ofsted)
Alexandra House
33 Kingsway
London WC2B 6SE
Email: enquiries@ofsted.gov.uk
Website: www.ofsted.gov.uk

Valuing People
The Valuing People Support Team works across England. For information about the leads for different regions, visit the website: www.valuingpeople.gov.uk

Skill: National Bureau for Students with Disabilities
Head Office
Chapter House
18–20 Crucifix Lane
London SE1 3JV
Tel: 020 7450 0620
Fax: 020 7450 0650
Minicom: 0800 068 2422
Email: info@skill.org.uk
Website: www.skill.org.uk

Useful resources

Care Standards Act (2000):

DCSF 16–19 transport support website:
www.dcsf.gov.uk/financialhelp/16-19transport

The LSC’s funding guidance is now split into six key documents, all published in 2008. These documents are listed in the references at Annex O.
Annex N
Learners with Learning Difficulties and/or Disabilities Placement Request: Rationale of Support

Confidential
This annex is to be completed by the independent specialist provider. Please ensure that you follow the appropriate guidance throughout this document when completing this form.

1. Learner details

Learner’s name (please print):

Independent specialist provider:

Date of birth: / / 

Proposed programme start date: / / 

Proposed end date: / /
2. Rationale

### Learning difficulties and/or disabilities

Description of the learner’s difficulties and/or disabilities:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Number of hours per week required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education enabler (including tutorial support and teaching assistant)</td>
<td></td>
</tr>
<tr>
<td>Education delivery (tutor)</td>
<td></td>
</tr>
<tr>
<td>Independence</td>
<td></td>
</tr>
<tr>
<td>Delivery of social, creative and leisure activities</td>
<td></td>
</tr>
<tr>
<td>Other <em>(please give details)</em></td>
<td></td>
</tr>
</tbody>
</table>

### Tuition/independent living skills

[Learner’s name] requires the following tuition/independent living skills *(please state the number of hours required for each activity in the second column)*

<table>
<thead>
<tr>
<th>Activity</th>
<th>Number of hours per week required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support from doctor or other medical specialist</td>
<td></td>
</tr>
<tr>
<td>Nursing support</td>
<td></td>
</tr>
<tr>
<td>Personal care</td>
<td></td>
</tr>
<tr>
<td>Support with personal activities of daily living skills</td>
<td></td>
</tr>
<tr>
<td>Physiotherapy</td>
<td></td>
</tr>
</tbody>
</table>

### Care and therapy

[Learner’s name] requires the following care and therapy *(please state the number of hours required for each type of therapy or care in the second column)*

<table>
<thead>
<tr>
<th>Type of therapy or care</th>
<th>Number of hours per week required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support from doctor or other medical specialist</td>
<td></td>
</tr>
<tr>
<td>Nursing support</td>
<td></td>
</tr>
<tr>
<td>Personal care</td>
<td></td>
</tr>
<tr>
<td>Support with personal activities of daily living skills</td>
<td></td>
</tr>
<tr>
<td>Physiotherapy</td>
<td></td>
</tr>
<tr>
<td>Type of therapy or care</td>
<td>Number of hours per week required</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Counselling</td>
<td></td>
</tr>
<tr>
<td>Emotional support</td>
<td></td>
</tr>
<tr>
<td>Behavioural support</td>
<td></td>
</tr>
<tr>
<td>Speech and language therapy</td>
<td></td>
</tr>
<tr>
<td>Hydrotherapy</td>
<td></td>
</tr>
<tr>
<td>Intervention for learner safety</td>
<td></td>
</tr>
<tr>
<td>Other therapy (please give details)</td>
<td></td>
</tr>
<tr>
<td>Any other supporting comments</td>
<td></td>
</tr>
</tbody>
</table>

**Equipment**

Please outline learner’s equipment needs, detailing for which items funding is sought *(please use separate sheet if necessary)*:

**Summary**

<table>
<thead>
<tr>
<th>Total number of hours per week:</th>
<th>Number of weeks per year:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding band:</td>
<td></td>
</tr>
</tbody>
</table>

**Completed by:**

<table>
<thead>
<tr>
<th>Position:</th>
<th>Date:</th>
</tr>
</thead>
</table>

Please return this form to the relevant contact at the home LSC.

**Guidance note**

Where independent specialist providers believe that a learner’s support needs are **exceptional** and beyond those accommodated in support band H, they should approach the home LSC **prior to offering a place to the learner**, to discuss the case. Cases will be reviewed on an individual and exceptional basis. Evidence will be required to demonstrate the learner’s exceptional support needs, rather than simply being a justification based on cost.
Annex O

References


DCSF (March 2008) Assessments of Young People with Learning Difficulties: Guidance to organisations providing Connexions services, Nottingham, DCSF. Available at www.everychildmatters.gov.uk/_files/Section%20140%20Guidance%2027%20March%202008.doc


DCSF, DoH & DWP (June 2007) Progression through Partnership, London: HMSO.

DfES (March 2006) FE Reform: Raising skills, improving life chances, CM 6768, Norwich: HMSO. Available at www.dcsf.gov.uk/publications/furthereducation/

DfES (July 2005) Youth Matters, CM 6629, Norwich: HMSO. Available at http://publications.dcsf.gov.uk/eOrderingDownload/CM6629.doc


DWP (July 2008) No One Written Off: Reforming welfare to reward responsibility, Sheffield, DWP. Available at www.dwp.gov.uk/welfarereform/noonewrittenoff/nonewrittenoff-complete.pdf


LSC (September 2008) Funding Guidance 2008/09: ILR funding claims and audit returns, Coventry: LSC. Available at http://readingroom.lsc.gov.uk/lsc/National/LSC-P-NAT-080082_FundingClaimsAndAuditReturns.pdf


LSC (January 2007) *Delivering World-class Skills in a Demand-led System*, Coventry: LSC. Available at www.lsc.gov.uk/providers/funding-policy/strategic-overview/Delivering_World-class_Skills_in_a_Demand-led_System.htm


