

# Funding Guidance: Placement for Learners with Learning Difficulties and/or Disabilities at Independent Specialist Providers 2010/11

**December 2009**

Of interest to everyone involved in delivering LSC-funded provision for learners with learning difficulties and/or disabilities up to and including 31 March 2010

### **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](http://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 fulfill its legal duties towards learners with learning difficulties and/or disabilities in consideration of requests received prior to 31 March 2010 which relate to the academic year 2010/11 at independent specialist providers.

The arrangements for 2010/11 placements up to and including 31 March 2010 will remain similar to previous years.

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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 at Independent specialist providers.

**2** This guidance will remain in place until 31 March 2010, after which the LSC will cease to exist. To ensure timely consideration of placement requests by the LSC during the transitional period, completed information should be forwarded to the LSC no later than the 31 March 2010 or ideally by 19 March 2010.

**3** It is important to understand that the LSC will continue to exercise its responsibilities under the Learning and Skills Act 2000 until 31 March 2010. The guidance in this document refers only to the LSC's duties under this Act until 31 March 2010 and not the Apprenticeships, Skills, Children and Learning Act 2009.

**4** The LSC's responsibilities are undertaken 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.

**5** During 2010, further guidance will be published setting out the procedures and criteria by which local authorities, from 1 April 2010, will fulfill their legal duties and powers in relation to securing provision for learners with learning difficulties and disabilities at Independent Specialist Providers in 2010/11, under the Apprenticeships, Skills, Children and Learning Act 2009.

## Apprenticeships, Skills, Children and Learning Act 2009

**6** 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), since renamed the Department for Business Innovation and Skills (BIS). 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, strengthens the Government's support for children, young people and families.

**7** 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*.

**8** The Apprenticeships, Skills, Children and Learning Bill received Royal Assent on 12 November 2009 and became an Act of Parliament. The Act creates a more efficient, integrated and locally accountable post-16 education system, supported by the new Young People's Learning Agency (YPLA) and Skills Funding Agency (SFA) from 1 April 2010.

**9** The YPLA will play a key role in the new arrangements for young people with learning difficulties and/or disabilities, working with Government and local authorities to help develop and deliver their vision and plans for young people's learning. As a new non-departmental public body, the YPLA will support local authorities to commission high quality provision for all young people.

**10** The LSC continues to work closely with BIS, DCSF and other key partners on the support arrangements for the 2010/11 commissioning process for young people, including the detail of the transfer of responsibilities from the LSC to the YPLA and the SFA, ensuring that the interdependencies are fully recognised and transitional arrangements are integrated.

**11** Part of this work has been the development of the National Commissioning Framework which was published for consultation on 16 November 2009. This sets out the guidance on the process for planning and commissioning of learning provision, for young people in England for the academic year 2011/12. Within this framework are the proposals for commissioning provision for learners with learning difficulties and/or disabilities.

## Section 13 of the of the Learning and Skills Act 2000

**12** 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
- 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.

**13** The Act also imposes duties and powers in respect of securing boarding accommodation. This is referred to as 'residential provision' throughout this document, except in extracts from the legislation. These duties and powers 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.

**14** Facilities are **reasonable** if (taking account of the LSC's resources) they are of such quantity and quality that the LSC can reasonably be expected to secure their provision.

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

**16** 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

**17** The duty to arrange an assessment of learners' education and training needs, and the provision required to meet those needs, was previously that of the Secretary of State pursuant to section 140 of the Learning and Skills Act 2000. That section was amended by the Education and Skills Act 2008 to apply only to Wales.

**18** The obligation to arrange assessment of the education and training needs of learners in England, and the provision required to meet those needs, 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.

**19** Local education authorities 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.

**20** Furthermore, local education authorities have the 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, 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.

**21** The guidance for local authorities in undertaking assessments under section 139A of the Act was published on 30 November 2009 and can be found on the DCSF website. This guidance is current until 31 March 2010, following which further guidance will be published.

## Placements at independent specialist providers

**22** 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.

**23** 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 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 in 2001, which came into effect in January 2002), building on developments through the Transition Support Programme under *Aiming High for Disabled Children* 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 a placement at an independent specialist provider must clearly demonstrate that local options have been fully considered, including what could be put in place to meet the learner's educational or training needs. This evidence should form part of the section 139A assessment.**

**24** 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. Assessments should be independent of potential future providers.

**25** 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 potential 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.

**26** 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.

**27** The LSC **will not** process any request that is submitted without sufficient supporting evidence, examples of what is considered sufficient are provided at paragraph 45 (these are examples and what will be deemed sufficient will depend on the particular assessed needs of the learner). 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.

**28** Annex C to this guidance contains a list of all the independent specialist providers at which the LSC will consider funding placements for learners with learning difficulties and/or disabilities.

**29** 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. Furthermore, the LSC will not consider funding a placement at an independent specialist provider not listed at Annex C if it is satisfied that provision can be secured, in accordance with the statutory duties imposed on the LSC, at a current LSC funded provider which is listed at Annex C.

# Consideration of Placements

## All placements

**30** 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 12 above and Annex B) to meet the learner's needs.

**31** 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 the Learning and Skills Act 2000, **is given below**. Referring agencies should ensure as early as possible that relevant joint funding agencies are involved in the process, and are ideally made aware of the likelihood that they will be expected to contribute towards funding. These arrangements may include, for example, but not limited to, transport, social and healthcare costs to support the education and training placement.

## Residential placements

**32** In addition to the above factors, the criteria for considering residential placements focus on establishing that residential provision is **essential** in order for the learner to be provided with education and training (see paragraphs 40, 41, 47 to 52) that meet his or her assessed needs.

**33** 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.

## Day placements

**34** 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 30 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

**35** 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 legal duties under the Learning and Skills Act 2000. The procedures are designed to be simple and transparent, to deliver timely decisions and to be consistent across the LSC.

## Agencies involved in the process

**36** 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 evidence gathering in preparation for 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.

**37** 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.

**38** For this reason, for learners progressing directly from school, relevant evidence including but not limited to 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.

**39** Annex A, paragraph 17 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.

## Criteria

**40** 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
- 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.

**41** 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
- 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.

**42** 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.

**43** For all placement requests, the LSC requires 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.

44 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

45 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 assessed 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.

46 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 fulfill 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, 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 inform the decision-making process. These may include details of interventional medical or therapeutic support, speech and language therapy, 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, including what will or could be put in place to meet the learner's educational or training 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 forms 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 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 set out in the learner's S139A assessment (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, justifiable and relate to the assessed education and training needs.

- other relevant reports include reports from the probation service, advocacy service, respite service, disability employment advisor or from an Ofsted inspection.

## Evaluation against the criteria

**47** 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.

**48** 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.

**49** 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.

**50** 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.

**51** The LSC would not expect to fund a placement at an independent specialist provider where there is evidence that local provision can meet the learner's educational and training needs, but where additional support is required to live in the local community. In such 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.

**52** 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

**53** To minimise disruption to the learner and to enable consideration of information prior to the onset of transition, the LSC would expect to receive requests for

placements due to commence in September 2010, no later than 31 March or ideally by 19 March 2010. Applications finalised after 1 April 2010 should be directed in accordance with further guidance due to be published in 2010. Late applications may not be agreed in time for the start of the new academic year in September 2010. Referring agencies should discuss any concerns over the timing of applications with their regional LSC 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.

**54** As set out in paragraphs 74 and 75 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. Referring agencies should discuss any concerns over the timing of applications with their home LSC.

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

**56** 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.

**57** The referring agency should also seek the permission of the learner for whom a placement request is being made (and/or his or her family and/or carer) 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 it 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 carer) is fully aware of the evidence 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.

**58** 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

**59** 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 and whether existing providers detailed at Annex C may be able to meet the learner's assessed needs. 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 locally, regionally or nationally. The provision should meet the needs identified in the regional strategy for learners with learning difficulties and/or disabilities.

## Insufficient information

**60** 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 to be provided 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

**61** 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 learner, family and/or carer, whose views should already be represented through the referring agencies and captured in the S139A assessment. 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 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 the placement meetings, together with the reasons for the decision.

## Discussion forums

**62** If, following the placement meeting, a decision is made not to fund the placement, the LSC will invite all interested parties to a discussion forum. This is 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.

**63** 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 a statement of SEN.

**64** 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.

**65** The aim of the discussion forum is to ensure that all 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 attending fully understand the LSC's decision.

## Decision not to fund placements

**66** 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, his or her family and/or carer.

## Independent appeals panel

**67** 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. This request should ideally be received within 14 days of receipt of the decision letter. 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.

**68** The appeals process will remain in place until the 31 March 2010, the process after this date will be informed by the outcomes of the National Commissioning Framework consultations, with further guidance available before the 1 April 2010.



# On-programme Issues

## Proposed programme

**69** 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, reflective of the assessed individual needs of the learner
- 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 supports the learner in making his or her transition beyond specialist provision in line with the aspirations set out in their S139A assessment and their ongoing transition and person-centred plan. 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.

**70** 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, having considered all appropriate options for his or her post-16 education, and having had all relevant learning opportunities evaluated.

## Funding matrix

**71** The funding methodology for independent specialist providers is outlined in Annexes G and H. Further technical guidance is available for independent specialist providers. All providers are required to adhere to it.

**72** 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.**

**73** 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.

**74** 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 2010/11***, 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 additional costs.

**75** 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 rationale is to support the LSC's responsibilities in respect of effective and proper use of public funds.

## Learner reviews

**76** Independent specialist providers are **required** to carry out a learner review at the end of the learner's first term of placement, and in the summer term of each subsequent year of funding including the learner's final period of funding. For the submission of the 2009 autumn term review reports, reference should be made to the *Funding Guidance: Placements for Learners with Learning Difficulties and/or Disabilities at Independent Specialist Providers 2009/10*, with reports forwarded to the home LSC on or before 31 March 2010 or ideally by 19 March 2010. From 1 April 2010 reviews should be directed in accordance with the guidance due to be published in 2010. Further guidance on the content of review reports is in Annex I.

## Changes in levels of support

### Review process

**77** 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

**78** 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**. The changes must be discussed and agreed with the home LSC before any changes are put in place. Changes will not be agreed retrospectively by the LSC, nor will the LSC consider requests to backdate payments beyond 28 days from the receipt of review reports and/or supporting information. The LSC will consider the request if sent to the home LSC before the 31 March 2010 or ideally by 19 March 2010. After 1 April 2010, submissions should be made in accordance with guidance due to be published in 2010.

### Supporting evidence

**79** 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. The LSC will consider the request if sent before the 31 March 2010 or ideally by 19 March 2010. After the 1 April 2010, requests should be made in accordance with the guidance due to be published in 2010. 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 and have been discussed in advance and agreed with the home LSC. 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

**80** Transition planning is an integral element of every learner's individual learning programme, as the purpose of any placement is 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

**81** The LSC would only expect to receive a request to extend the duration of an originally agreed placement that was due to complete at the end of the 2009/10 academic year 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.

**82** 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.

**83** 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. The referring agency will be expected to demonstrate thorough consideration of other local options for the learner. It would be unusual for the need for an extension to be identified prior to 31 March 2010. However, in exceptional cases, the home LSC will consider the extension request if received before the 31 March 2010 or ideally by 19 March 2010. After 1 April 2010, submissions for extension should be made in accordance with guidance due to be published in 2010.

### Destination data

**84** 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 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.

**85** In order to assist the LSC to comply with this requirement, where a learner will leave by 31 March 2010, independent specialist providers should complete a destination form (see Annex J). This **must** be completed and returned to the learner's home LSC within four weeks of the learner's leaving date and should be received by the LSC by the 31 March 2010 or ideally by 19 March 2010.

After 1 April 2010, requirements will be in accordance with the guidance to be published in 2010. It is a contractual requirement (LSC funding agreement - contract for education and training, schedule 3, section 5.1), 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

**86** In line with the LSC's funding agreement - contract for education and training, (schedule 3, 5.11), 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 notification form (Annex K).

**87** 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.

**88** When a withdrawal is due to learner fatality, the independent specialist provider must immediately inform their home and local LSC. The independent specialist provider must complete a serious incident notification as soon as possible, in line with health and safety guidance and as per the obligations set out in schedule 3, sections 6 and 7 of the LSC funding agreement – contract for education and training.

## Data collection

**89** At the beginning of the Spring term, the home LSC will send 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.

# Other Guidance

## Inspections

**90** All LSC-funded provision is subject to regular inspection against the criteria contained within the Common Inspection Framework, which was revised in July 2009. The arrangements for this are available from the Office for Standards in Education, Children's Services and Skills (Ofsted).

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

**92** 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.

**93** 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 appropriate action as set out in the minimum levels of performance guidance. Further information is available at Annex A, Paragraph 30.

## Links with independent specialist providers

**94** Some further education (FE) providers 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.

**95** The LSC would not expect a FE provider to charge an independent specialist provider a fee 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. Further information is detailed in the LSC's funding guidance, which is detailed at Annex O.



# 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. The full references are in Annex O.

### Valuing Employment Now: Real Jobs for People with Learning Disabilities

**2** *Valuing Employment Now* (HM Government, June 2009) sets out the cross-government strategy and action plan needed to increase the number of people with learning disabilities in employment by 2025. It is based on the Government's belief that all people with learning disabilities, like all other people, can and should have the chance to work. The strategy will require a major change in approach through the system: from health and social care to schools, colleges and learning and training, employment agencies and employers, with people with learning disabilities themselves and their families.

**3** The Government's goal is that all people with learning disabilities should share equally in the aspiration set out in the 'Life Chances' report, *that by 2025: any disabled person who wants a job, and needs support to get a job should be able to do so.*

### Learning for Living and Work

**4** *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 strategy is a major force for transforming the FE system.

**5** By March 2010, the LSC will have invested £67 million across all regions to achieve systemic transformation and increased supply of high-quality local provision, including workforce development. This investment is 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.

**6** By 31 March 2010, the LSC will publish details of how the 'investment to change' funds will have been used to achieve systemic transformation and increased supply of high-quality local provision.

### Learning for Living and Work Framework

**7** The East of England LSC 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 to 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 and to inform the assessment required under section 139A.

### Further Education Reform: Raising skills, improving life chances

**9** 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) sets 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.

**10** 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

**11** In June 2007, the Government produced an interdepartmental strategy, *Progression through Partnership* (DCSF, DoH and 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.

**12** 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 this provision
- how this provision is funded.

**13** DCSF is currently looking to publish an update on progress with the strategy.

## Disability Equality

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

**15** 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.

**16** The LSC has set out its arrangements for disability equality in its *Single Equality Scheme* (LSC, April 2007), effective until April 2010.

## Local Authorities and Connexions

**17** In a local authority, there will be personal advisors who will 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 or 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 19, who are receiving (or are believed likely to receive) post-16 education who either
  - 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
  - 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).

**18** More information about the Connexions service is available on its website ([www.everychildmatters.gov.uk/youthmatters/connexions](http://www.everychildmatters.gov.uk/youthmatters/connexions)).

## Every Child Matters and Youth Matters

**19** 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 services should be more focused on the needs of children, young people and families.

**20** Education, training and recreation are all included in the Children Act 2004 as contributing to well-being. 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.

## Ofsted Special Educations Needs (SEN) and Disability Review, 2009-2010

**21** The Secretary of State has commissioned Ofsted to review the framework for SEN provision and outcomes.

**22** The purpose of the survey inspections is to provide the government with an analysis of the strengths and weaknesses of the current SEN and disability systems in terms of assessment, provision and outcomes for children and young people with learning difficulties and/or disabilities. It will provide recommendation for improvements and examples of good practice, particularly in relation to the impact of children's and post 16 services on outcomes.

**23** The survey will need to be staged over 3 terms:

- **summer 2009:** concentrated work on planning, research, data analysis and active fieldwork through a team approach, across directorates and focused in particular local areas
- **autumn 2009:** in depth fieldwork on areas identified from the summer pilots requiring detailed analysis
- **spring 2010:** continued fieldwork where required, retrieval and writing the report.

**24** In summer 2010 a report will be made giving a clear analysis of the state of provision for children and learners with learning difficulties and/or disabilities/SEN with recommendations for schools, local authorities, colleges and government. This should be disseminated through a joint Ofsted/DCSF conference programme.

## Helping People Achieve their Full Potential

**25** The DWP's public consultation (in 2007-08) *Helping people achieve their full potential: Improving Specialist Disability Employment Services*, set out how we might improve these services to help more disabled people with the most complex barriers into sustainable employment.

**26** The proposed reforms were widely supported by 450+ organisations and individuals who responded. A summary of responses to the consultation was published on 11 November 2008.

**27** DWP is therefore pressing ahead with the implementation and delivery of the proposals, as announced in the Green Paper *No one written off: reforming welfare to reward responsibility* (July 2008) and re-affirmed in the White Paper *Raising expectations and increasing support: reforming welfare for the future* (December 2008).

**28** As a result, from October 2010, Work Choice will replace the current separate programmes (Job Introduction Scheme, Work Preparation and WORKSTEP) to form a new, more integrated specialist disability programme that can be more easily tailored to the individual needs of disabled people.

**29** It will be delivered in partnership with organisations from the public, private and third sectors and cover pre-employment support right through to job retention and longer-term supported employment and will complement other major reforms and mainstream programmes such as Pathways and Flexible New Deal, by offering additional specialist help for disabled people with greater support needs.

## Identifying and Managing Underperformance

**30** In December 2009, the LSC publishes an updated version of *Identifying and Managing Underperformance*, 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.

**32** Notices to Improve are a vehicle for driving up performance. They outline the conditions that a provider must adhere to in order to secure continued funding. The LSC issues a Notice to Improve to independent specialist providers identified as underperforming where Ofsted inspects the provision and an independent specialist provider receives an inspection judgement of 'inadequate'.

**33** Notices to Improve that are the result of an inspection outcome of 'inadequate' will be issued to the independent specialist provider within ten working days of publication of the inspection report on the Ofsted website. The 12-month period of the Notice will begin 12 weeks after the issue date, rather than on the date of the inspection. This is to allow a post-inspection action plan to be produced and the Learning and Skill Improvement Services (LSIS) support to be secured. The independent specialist provider will usually have 12 months from the start of the Notice period in which to meet the conditions of the Notice to Improve. The conditions will seek to address the weaknesses identified within the inspection report. The process for assessing whether or not a Notice is triggered by inspection is presently set out in *Identifying and Managing Underperformance* (December 2008).

## Framework for Excellence

**34** The Framework for Excellence is the Government's performance assessment framework for further education colleges, and other post-16 education training providers, funded by the LSC.

**35** Independent specialist providers came into scope for the first time in 2009/10. Table 1 overleaf supplements table 11 of the *Unified Post-16 Performance Assessment: Framework for Excellence: Provider Guide 2009/10* and identifies the performance indicators applicable to independent specialist providers:

**Table 1: Performance indicators applicable to Independent Specialist Providers**

Performance Indicator	Independent Specialist Providers for learners with learning difficulties and/or disabilities	
	completing an ILR	NOT completing an ILR
Learner Views	YES	YES
Learner Destinations	NO*	NO*
Employer Views	YES (If Employer Responsiveness funding)	NO
Success Rates	YES (if Employer/Learner Responsiveness funding)	£68,829
Financial Health	YES	YES
Financial Management and Control Evaluation	YES	YES
Funding per Successful Outcome	YES (if Employer/Learner Responsiveness funding)	NO

\* Discussion underway for consideration of inclusion on ILR

**36** Discussions are currently under way to explore options for the development of a performance indicator that will capture the progress and outcomes of learning provision for learners with complex learning difficulties and/or disabilities.

## Foundation Learning

**37** Foundation Learning (FL) is a programme of work to develop a more focused and strategic approach to Entry Level and Level 1 learning for young people aged 14–19 and 19–25 for learners with learning difficulties and/or disabilities, 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'.

**38** Within FL, personalised learning programmes are the main organising structures, supporting individual progression through the achievement of an appropriate combination of qualifications from Entry Level and Level 1 of the QCF. Each personalised learning programme includes 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.

**39** All local authorities will deliver some FL for 14–19 year-old learners by 2010, with local authorities and 14–19 Partnerships leading this process, working collaboratively with consortia where appropriate and bringing in all

schools, colleges and other relevant providers in 2011/12 and 2012/13. FL will then align with the Diploma and Apprenticeship entitlements and become the first step in raising the participation age in 2013.

**40** In 2009/10, LSC-funded providers are working towards the LSC's FL planning aspiration of 30 per cent of new starts on Entry Level and Level 1 provision beginning a FL personalised programme. This is as described in the LSC Statement of Priorities – *Investing in our future through learning and skills*. In particular, 2009/10 is the last year of the Key Stage 4 Engagement and Entry to Employment programmes, with future provision being offered through FL. In November 2009, as part of the Gateway 4 process, local authorities presented their plans for developing FL in 2009/10 and 2010/11.

**41** In 2010/11 it is expected that all learners at Entry Level and Level 1 will be on a FL programme unless there is evidence that the QCF offer is not sufficient for a particular learner or group of learners.

**42** Further information on the FL can be found on the LSC website under UK Vocational Qualifications Reform Programme (<http://qfr.lsc.gov.uk/flt/>).

## Ofsted

**43** In September 2009, Ofsted revised its inspection arrangements to form The Common Inspection Framework for Further Education and Skills 2009. Ofsted adopted a risk-proportionate approach to inspection to enable inspectors to focus their efforts where they have the greatest impact. The Framework applies to the inspection of provision funded by the LSC, and the funding bodies that will succeed it.



## Limiting grades

**44** Any limiting grades are considered before the overall effectiveness judgement is made. Limiting grades relate to safeguarding, and equality and diversity as these are considered essential in assuring the quality of the development and well-being of young people and adults. The grades for these two aspects may therefore limit other grades, including the grade for overall effectiveness.

**45** Providers are selected for a full inspection using a risk assessment process. Information on the performance of providers is risk assessed and adjusted annually to plan the inspection programme for the forthcoming year; this includes determining the focus, frequency and type of inspection. In this way, inspection will be proportionate to risk.

**46** The main types of inspection monitoring activity are:

- A. focused monitoring visit (FMV).
- B. re-inspection monitoring visit (RMV)

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

- insufficient progress
- reasonable progress
- significant progress.

## Self-assessment Reports

**48** 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.

## Demand-led Funding

**49** 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, 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).

**50** These reforms continue to be developed and the move towards recording a learner's programme on the individual learner record is a step towards this aim. Work continues with the sector to develop and trial:

- An allocations methodology
  - standardising funding across the different provider types
  - standard rates for a range of specialist support services
  - a resource allocation tool to calculate additional funding.

## Funding Technical Guidance for Independent Specialist Providers for 2010/11

**51** As for 2009/10, the Funding Guidance for 2010/11 is supported by the *Funding Technical Guidance for Independent Specialist Providers, 2010/11*, applicable up to and including 31 March 2010. Independent specialist providers must ensure that all key staff are aware of both documents and understand how they 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** The Individualised Learner Record (ILR) is a standardised collection of data about learners and their learning which the Information Authority (IA) currently requests from learning providers in the FE system. The data collected is used by organisations in the FE system to ensure that public money is being spent in line with Government targets for quality and value for money, for future planning, and to make the case for the sector in seeking further funding.

**53** In October 2008, the IA approved a request for a voluntary pilot of 13 Independent Specialist Providers to commence collecting and submitting data in the form of an ILR return for submission in November 2009. Throughout 2009, the IA reviewed the work of the pilot. The IA Board stated in September 2009 that the pilot had been a success. It was agreed that the remaining independent specialist providers could prepare to submit an ILR return for submission in November 2010.

**54** This approach to collecting data will continue to help to formalise the current data collection process for independent specialist providers.

## Data Transmission

**55** 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.

**56** Current arrangements for sending the LSC information that includes personal data can be found on the LSC website (see [www.lsc.gov.uk/providers](http://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;

- (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.
- (6) References in this Part to post-16 education are to:
- (a) education falling within section 2(1)(a) or subsection (1)(a) above; and
  - (b) organised leisure-time occupation connected with such education.
- (7) References in this Part to post-16 training are to:
- (a) training falling within section 2(1)(b) or subsection (1)(b) above; and
  - (b) organised leisure-time occupation connected with such training.
- (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 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 S139A or 140.

### 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.
- (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 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.

### 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 2009 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..

Arden College  
 Beaumont College  
 Bridge College\*\*  
*Coleg Elidyr*  
*Condover College Limited*  
 David Lewis College\*  
 Derwen College  
 Mencap National College - Dilston  
 Doncaster College for the Deaf  
 Dorton College of Further Education  
 Education and Services for People with Autism  
 Exeter Royal Academy for Deaf Education\*  
 Fairfield Opportunity Farm  
 Farleigh Further Education College, Frome  
*Farleigh Further Education College, Swindon*  
 The 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)\**  
 hsbp Henshaws College  
 Landmarks\*\*  
 Langdon College

Lindeth College of Further Education  
 Linkage Community Trust  
*Loppington House*  
*Mencap National College - Lufton College*  
 The Mount Camphill Community Ltd  
 Nash College of Further Education  
 The National Centre for Young People with Epilepsy  
 National Star College  
*New College, Worcester\**  
 North East Autism Society (Thornbeck College)  
 Northern Counties College  
*Oakwood Court*  
 Orchard Hill College of Further Education\*\*  
 Mencap National College - 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 College Manchester\**  
 Royal National College for the Blind  
 Ruskin Mill Education Trust  
 SENSE\*\*  
 St Elizabeth's Centre  
*St John's School and College\*\*+*  
 Strathmore College  
 Treloar College  
 West of England School and College (for Young People with Little or No Sight)  
 Westgate College  
 William Morris Camphill Community  
 \* **school status**  
 \*\* **day placements**  
 + **19 plus placements only**

## 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, family and/or carer 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 family 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.
- 3 Case law sets out the requirements of the Learning and Skills Act 2000 at section 139A to be complied and that the provision identified must be real and actually available.
- 4 **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 identified in the S139A assessment, 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 that meet the needs set out in the S139A assessment, 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 2010/11* 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.
- 5 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 considering the funding request.
- 6 The assessment must clearly demonstrate a match between the learner's needs and the support necessary to meet those needs as set out in their S139A assessment. It should not be a generic description of the support generally available within the independent specialist provider.

# Annex E

## Learning and Skills Council

### Contact Details

The contact details are valid up to and including the 31 March 2010. From 1 April 2010 guidance published in 2010 should be referenced. The contact details may be subject to change.

#### East of England region

##### LSC Suffolk

Felaw Maltings  
42 Felaw Street  
Ipswich IP2 8SJ

**Contact:** Carole Prance

Learners with Learning Difficulties and/or Disabilities  
Regional Manager  
01473 883 003

**Contact:** Sarah Parkinson

01473 883 063  
Local authority areas: Suffolk

**Contact:** Liz Rowland

01473 883 078  
Local authority areas: Hertfordshire

**Contact:** Judi Walker

(temporary cover to 31 January 2010)  
From 1 Feb 2010 to 31 March 2010 Liz Rowland  
01473 883 012  
Local authority areas: Bedford Borough, Central  
Bedfordshire and Luton

##### LSC Essex

Redwing House  
Hedgerows Business Park  
Chelmsford Road  
Chelmsford  
Essex, CM2 5PB

**Contact:** Suzanne Davis

01245 550 051  
Local authority areas: Essex, Southend and Thurrock

##### LSC Norfolk

Lakeside 500  
Old Chapel Way  
Broadland Business Park  
Norwich, NR7 0WG

**Contact:** Sara-Jane Sturman

01603 218 884  
Local authority areas: Norfolk, Peterborough and  
Cambridgeshire

#### East Midlands region

##### LSC Leicestershire

17a Meridian East  
Meridian Business Park  
Leicester LE19 1UU

**Contact:** Vacant

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 (on maternity leave, Chris Fuller  
covering)

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

#### London region

##### LSC London Central

Centrepont  
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  
Sinem Ahmet 020 7904 0751

## 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:** Simon Growcott  
0845 019 4150  
07824 838 387  
Local authority areas: Halton, Knowsley, Liverpool, Sefton,  
St Helens and Wirral

### LSC Cumbria

Venture House, Regent's Court  
Guard Street  
Workington  
Cumbria  
CA14 4EW

**Contact:** Sue Little  
01900 733 336  
Local authority areas: Cumbria and Lancashire

## 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  
Local authority areas: Hampshire, Isle of Wight, Portsmouth  
and Southampton

**Contact:** Kalpana Majithia  
0118 908 2143  
Local authority areas: Bracknell Forest, Reading, Slough,  
West Berkshire, Windsor and Maidenhead, Wokingham,  
Buckinghamshire, Milton Keynes and Oxfordshire

### LSC Surrey

48-54 Goldsworth Road  
Woking  
GU21 6LE

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

**Contact:** Clare Moorhouse  
07824 836 995  
Local authority area: Brighton and Hove, East Sussex,  
West Sussex, Kent and Medway

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

#### **LSC Devon and Cornwall**

Foliot House  
Brooklands, Budshead Road, Crownhill  
Plymouth  
PL6 5XR

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

#### **LSC Bournemouth, Dorset and Poole**

Provincial House  
25 Oxford Road  
Bournemouth  
Dorset  
BH8 8EY

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

### **West Midlands region**

#### **LSC Birmingham and Solihull**

NTI Building  
15 Bartholomew Row  
Birmingham B5 5JU

**Contact:** Mel Evans (on maternity leave)  
Sarah Sweeney covering until 31 March 2010  
Learners with Learning Difficulties and/or Disabilities  
Regional Manager  
0121 345 4647  
07825 053228

**Contact:** Vacant  
0121 345 4548  
Local authority areas: Birmingham

#### **LSC Black Country**

Unit 7, Castle Court  
2 Castlegate Way  
Dudley DY1 4RH

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

#### **LSC Coventry and Warwickshire**

Oak Tree Court  
Binley Business Park  
Harry Weston Road  
Coventry CV3 2UN

**Contact:** Michaela Hall  
024 7644 6005  
Local authority areas: Coventry, Warwickshire and Solihull

#### **LSC Shropshire**

Suite G1, Hollinswood House  
Stafford Court  
Stafford Park  
Telford TF3 3DD

**Contact:** Vacant  
01952 235 539  
Local authority areas: Shropshire, Herefordshire and Worcestershire, Telford and Wrekin

#### **LSC Staffordshire**

Festival Way, Festival park  
Stoke-on-Trent  
Staffordshire ST1 5TQ

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

### **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

# Annex F

## 2010/11 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 before 31 March 2010. To minimise disruption, the LSC should ideally receive placement requests by 19 March 2010. Applications finalised after 1 April 2010 should be directed in accordance with further guidance due to be published in 2010.

### 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. Proposed programme details (including proposals for delivery by another provider):

---

---

---



## 5. 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 family and/or carer) to share all of the following documentary evidence with the relevant agencies. In addition, **the learner, and his or her family and/or carer should be made aware of the content of any evidence being given to the LSC.**

Section 139A assessment	<input type="checkbox"/>	Most recent school report	<input type="checkbox"/>
Local provider report	<input type="checkbox"/>	Transition plan	<input type="checkbox"/>
Local authority reports	<input type="checkbox"/>		
Most recent review of statement of SEN	<input type="checkbox"/>	Most recent educational psychologist's report	<input type="checkbox"/>
Most recent care plan or other relevant social services documentation	<input type="checkbox"/>		
Most recent medical report	<input type="checkbox"/>	Most recent link course reports	<input type="checkbox"/>
Confirmation letter from the independent specialist provider	<input type="checkbox"/>		
Independent specialist provider rationale of support (see Annex N)	<input type="checkbox"/>		
Copy of pre-entry assessment carried out by independent specialist provider	<input type="checkbox"/>		
Consent letter signed by learner and/or by parent/carer/advocate	<input type="checkbox"/>		
Letter to confirm funding from social services or other agency	<input type="checkbox"/>		

Other (please list and label):

## 6. Independent specialist provider status

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

Yes

No

## 7. 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

11	Asian or Asian British – Bangladeshi
12	Asian or Asian British – Indian
13	Asian or Asian British – Pakistani
14	Asian or Asian British – any other Asian background
15	Black or Black British – African
16	Black or Black British – Caribbean
17	Black or Black British – any other Black background
18	Chinese
19	Mixed – White and Asian
20	Mixed – White and Black African
21	Mixed – White and Black Caribbean
22	Mixed – any other mixed background
23	White – British
24	White – Irish
25	White – any other White background
98	Any Other
99	Not known/not provided

Source: Individualised Learner Record

## Annex G

# Support Bands: Rates for 2010/11

This is the funding approach that will be used for all learners within independent specialist providers implemented from September 2010 onwards. Further information is available in Annex H.

Band	Day	Residential
D	£13,186	£26,689
E	£17,841	£36,249
F	£22,495	£42,303
G	£32,967	£49,069
H	£45,247	£68,829

## Annex H

# Contact Hour Ranges

For further information, independent specialist providers should refer to the *Funding Technical Guidance for Independent Specialist Providers for 2010/11*.

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

\* 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, and in the summer term of each subsequent year of funding including the learner's final period of funding. For the submission of the 2009 autumn term review reports, reference should be made to the *Funding Guidance: Placement for Learners with Learning Difficulties and for disabilities at Independent Specialist Providers 2009/10*, with reports forwarded to the home LSC on or before 31 March 2010 or ideally by 19 March 2010. From the 1 April 2010 review reports should be directed in accordance with further guidance due to be published in 2010
- 2 All review reports must be received by the LSC no later than four weeks after their completion.
- 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 as identified in this list.
- 5 The following should be provided as a minimum:
  - learner's personal details (name and date of birth)
  - programme start and end dates
  - confirmation that the learner's support needs are still as identified within the individual 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, this must be justified (see paragraph 77 of the main document)
  - input from specialists, for example where learners are seen by speech and language therapists, physiotherapists
  - confirmation that the learner is still following the programme as outlined in the individual 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 individual learner schedule. The report must include an update on all elements of the learner's agreed programme
  - an outline of targets – both academic and nonacademic– for the forthcoming period of study
  - an appropriate transition plan giving a detailed indication of how the transition planning is embedded throughout the duration of the learner's programme, paying particular emphasis to the final period of the placement
  - develop 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, supported employment, 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 on or before the 31 March 2010 or ideally by 19 March 2010. From the 1 April 2010 review reports should be directed in accordance with further guidance due to be published in 2010.
- 7 Independent specialist providers must ensure that reviews are provided in a timely fashion, or payments could be delayed. Further information is provided at paragraph 76 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). This is applicable to learners leaving up to and including 31 March 2010 and should ideally be received by 19 March 2010. After 1 April 2010, requirements will be in accordance with the guidance to be published in 2010.

### 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. This is applicable to learners leaving up to and including 31 March 2010 and should ideally be received by 19 March 2010. After 1 April 2010, requirements will be in accordance with the guidance to be published in 2010.**

**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. It should be completed in accordance with the obligations detailed in schedule 3, sections 6 and 7 of the LSC funding agreement – contract for education and training and as detailed at paragraphs 86–88 of this guidance. Forms should be submitted to the home LSC before the 31 March 2010 or ideally by the 19 March 2010. From 1 April 2010, reference should be made to the guidance to be published in 2010.

### 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

# 2010/11

## Confidential

This form is to be completed by the referring agency in conjunction with the independent specialist provider. The LSC would only expect to receive a request to extend the duration in **exceptional cases**, as detailed at paragraphs 81-83, by no later than the 31 March 2010 or ideally before the 19 March to minimise disruption. From 1 April 2010, reference should be made to the guidance to be published in 2010.

### 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:

Details of any other justification for extension

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*):

	Yes	No	Not relevant
The learner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family/carer/advocate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Connexions/local authority/careers advisor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (if yes, please give details)

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*):

- |                                                                       |                          |                                               |                          |
|-----------------------------------------------------------------------|--------------------------|-----------------------------------------------|--------------------------|
| Section 139A report                                                   | <input type="checkbox"/> | Appropriate transition plan                   | <input type="checkbox"/> |
| Most recent care plan or other relevant social services documentation | <input type="checkbox"/> | Most recent educational psychologist's report | <input type="checkbox"/> |
| Most recent medical report                                            | <input type="checkbox"/> | Most recent link course report                | <input type="checkbox"/> |
| Letter to confirm funding from social services or other agency        | <input type="checkbox"/> | 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

#### 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](mailto:chiefexecutive@natspec.org.uk)  
Website: [www.natspec.org.uk](http://www.natspec.org.uk)

#### Connexions Service

Regional listings on website

Tel: 080 800 13 2 19  
Website: [www.connexions-direct.com](http://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](mailto:info@dcsf.gsi.gov.uk)  
Website: [www.dcsf.gov.uk](http://www.dcsf.gov.uk)

#### Department for Business, Innovation and Skills (BIS)

1 Victoria Street  
London  
SW1H 0ET

Tel: 020 7215 5000  
Email: [enquiries@bis.gsi.gov.uk](mailto:enquiries@bis.gsi.gov.uk)  
Website: [www.bis.gov.uk](http://www.bis.gov.uk)

#### Department of Health

Richmond House  
79 Whitehall  
London SW1A 2NS

Tel: 020 7210 4850  
Website: [www.dh.gov.uk](http://www.dh.gov.uk)

#### Department for Work and Pensions

Caxton House  
Tothill Street  
London SW1H 9DA

Tel: 020 7340 4000  
Email: [enquiries@dw.p.gsi.gov.uk](mailto:enquiries@dw.p.gsi.gov.uk)  
Website: [www.dwp.gov.uk](http://www.dwp.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](mailto:info@equalityhumanrights.com)  
Website: [www.equalityhumanrights.com](http://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](mailto:enquiries@LSNeducation.org.uk)  
Website: [www.lsneducation.org.uk](http://www.lsneducation.org.uk)

#### Learning and Skills Improvement Service

Friars House  
Manor House Drive  
Coventry CV1 2TE

Tel: 0870 162 0632  
Website: [www.lsis.org.uk](http://www.lsis.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](mailto:enquiries@ofsted.gov.uk)  
Website: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

#### Qualifications and Curriculum Development Agency (QCDA)

83 Piccadilly  
London W1J 8QA

Tel: 0300 303 3010  
Fax: 0300 303 3014  
Email: [info@qcda.gov.uk](mailto:info@qcda.gov.uk)  
Website: [www.qcda.gov.uk](http://www.qcda.gov.uk)

#### Skill: National Bureau for Students with Disabilities

Head Office  
Unit 3, Floor 3  
Radisson Court  
219 Long Lane  
London SE1 4PR

Tel: 020 7450 0620  
Fax: 020 7450 0650  
Email: [info@skill.org.uk](mailto:info@skill.org.uk)  
Website: [www.skill.org.uk](http://www.skill.org.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](http://www.valuingpeople.gov.uk)

### **Useful resources**

Care Standards Act (2000):

[www.hmso.gov.uk/acts/acts2000/20000014.htm](http://www.hmso.gov.uk/acts/acts2000/20000014.htm)

DCSF 16–19 transport support website:

[www.dcsf.gov.uk/financialhelp/16-19transport](http://www.dcsf.gov.uk/financialhelp/16-19transport)

# 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. The form should be submitted to the home LSC in advance of the 31 March 2010 or ideally by the 19 March to minimise disruption. From 1 April 2010, reference should be made to the guidance to be published in 2010.

### 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:	
Tuition/independent living skills	
[Learner's name] requires the following tuition/independent living skills ( <i>please state the number of hours required for each activity in the second column</i> )	
Activity	Number of hours per week required
Education enabler (including tutorial support and teaching assistant)	
Education delivery (tutor)	
Independence	
Delivery of social, creative and leisure activities	
Other ( <i>please give details</i> )	
Any other supporting comments	
Care and therapy	
[Learner's name] requires the following care and therapy ( <i>please state the number of hours required for each type of therapy or care in the second column</i> )	
Type of therapy or care	Number of hours per week required
Support from doctor or other medical specialist	
Nursing support	
Personal care	
Support with personal activities of daily living skills	
Physiotherapy	

Type of therapy or care	Number of hours per week required
Counselling	
Emotional support	
Behavioural support	
Speech and language therapy	
Hydrotherapy	
Intervention for learner safety	
Other therapy (please give details)	
Any other supporting comments	
Equipment	
Please outline learner's equipment needs, detailing for which items funding is sought ( <i>please use separate sheet if necessary</i> ):	
Summary	
Total number of hours per week:	
Number of weeks per year:	
Funding band:	
<b>Completed by:</b>	
<b>Position:</b>	<b>Date:</b>

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

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